```
1
              UNITED STATES DISTRICT COURT
        FOR THE NORTHERN DISTRICT OF CALIFORNIA
3
               SAN FRANCISCO DIVISION
    ----x
5
    IN RE: ROUNDUP PRODUCTS ) MDL No. 02741
6
    LIABILITY LITIGATION
7
8
    THIS DOCUMENT RELATES TO
   ALL ACTIONS
10
   ----X
11
12
                CONFIDENTIAL
13
            PURSUANT TO PROTECTIVE ORDER
14
15
         VIDEOTAPED DEPOSITION OF SAMUEL MURPHEY
16
      (IN HIS 30(b)(6) CAPACITY FOR MONSANTO COMPANY
17
             AND IN HIS INDIVIDUAL CAPACITY)
18
                   WASHINGTON, D.C.
19
               TUESDAY, JANUARY 22, 2019
20
                       8:56 A.M.
21
22
23
24
    Pages: 1 - 409
25
    Reported by: Leslie A. Todd
```

-----

```
1
        Deposition of SAMUEL MURPHEY, held at the
    offices of:
 2
 3
 4
 5
               HOLLINGSWORTH, LLP
 6
               1350 I Street, N.W.
 7
               Washington, DC 20005
 8
 9
10
11
12
13
        Pursuant to notice, before Leslie Anne Todd,
    Court Reporter and Notary Public in and for the
14
    District of Columbia, who officiated in
15
    administering the oath to the witness.
16
17
18
19
20
21
22
23
24
25
```

```
1
                     APPEARANCES
 2
 3
    ON BEHALF OF PLAINTIFFS:
 4
         PEDRAM ESFANDIARY, ESQUIRE
 5
         BAUM HEDLUND ARISTEI GOLDMAN, PC
 6
         10940 Wilshire Boulevard, 17th Floor
         Los Angeles, California 90024
 7
8
         (310) 820-6252
9
10
         JERRY KRISTAL, ESQUIRE
11
         WEITZ & LUXENBERG, P.C.
12
         220 Lake Drive East, Suite 210
         Cherry Hill, New Jersey 08002
13
14
         (856) 755-1115
15
16
    ON BEHALF OF DEFENDANTS:
17
         DANIEL S. PARISER, ESQUIRE
18
         JAYCE BORN, ESQUIRE
19
         ARNOLD & PORTER, LLP
20
         601 Massachusetts Avenue, NW
         Washington, DC 20001-3743
21
22
         (202) 942-6216
23
24
    ALSO PRESENT:
25
         DANIEL HOLMSTOCK (Videographer)
```

1		CONTENTS	
2	EXAMINATI	ON OF SAMUEL MURPHEY	PAGE
3	By Mr	. Esfandiary 11	., 397
4	By Mr	. Pariser	376
5			
6			
7		EXHIBITS	
8		(Attached to transcript)	
9	MURPHEY D	EPOSITION EXHIBITS	PAGE
10	No. 1	Plaintiff's Amended Notice to	
11		Take the Videotaped Deposition of	
12		Monsanto Company	13
13	No. 2	LinkedIn profile of Samuel Murphey	16
14	No. 3	E-mail string re Sam Murphey, Bates	3
15		MONGLY09572248 to 09572253	25
16	No. 4	IARC Monographs on the Evaluation of	of
17		Carcinogenic Risks to Humans	38
18	No. 5	E-mail string re EOD Media quote	
19		check, Bates MONGLY12199705 to	
20		12199706	42
21	No. 6	Article entitled "Glyphosate War	
22		Stirs Chemical Storm," published in	1
23		Farm Journal's AgPro	55
24	No. 7	E-mail re IARC materials, Bates	
25		MONGLY04773726	73

1	]	EXHIBITS CONTINUED	
2		(Attached to transcript)	
3	MURPHEY I	DEPOSITION EXHIBITS	PAGE
4	No. 8	E-mail string re IARC Outreach,	
5		Bates MONGLY02063920 to 02063728	92
6	No. 9	IARC Follow Up, Demonstrate Safety	
7		of Glyphosate, Bates MONGLY03316369	
8		to 03316371	124
9	No. 10	E-mail re Revised IARC reactive	
10		messaging, Bates MONGLY01021708 to	
11		01021711	134
12	No. 11	Issues Plan, Farm Aid/Neil Young,	
13		Draft - updated 9/16/15, Bates	
14		MONGLY00866643 to 00866652	141
15	No. 12	E-mail re Experts that PA/CE could	
16		reach out toto defend glyphosate	
17		in the media, Bates MONGLY01021378	156
18	No. 13	E-mail re Draft OP Ed material,	
19		Bates MONGLY00948216 to 00948223	158
20	No. 14	E-mail string re FY17 EU IARC	
21		Budget/Exp, Bates MONGLY08162384 to	
22		08162388	179
23	No. 15	E-mail string re Glyphosate	
24		litigation messaging, Bates MONGLY	
25		03315608 to 03315609	195

1	E	X H I B I T S C O N T I N U E D	
2		(Attached to transcript)	
3	MURPHEY D	EPOSITION EXHIBITS	PAGE
4	No. 16	E-mail string re Minute L&G Outreach	
5		Workshop, Bates MONGLY06721006 to	
6		06721023	204
7	No. 17	E-mail string re Glyphosate regional	
8		issues support - 2016, Bates MONGLY	
9		03398169 to 03398171	215
10	No. 18	E-mail string re Action Required -	
11		2016 End of Year Results due July 18	,
12		Bates MONGLY03460238 to 03460239,	
13		with attachment	223
14	No. 19	E-mail string re Germany outreach,	
15		Bates MONGLY03487960 to 03487967	231
16	No. 20	E-mail string re Sharing FH	
17		proposal in Europe, Bates MONGLY	
18		03491019 to 03491026	232
19	No. 21	E-mail string re Political Outreach	-
20		Phase II, Bates MONGLY05600811 to	
21		05600813, with attachment	241
22	No. 22	(Exhibit not used/not attached.)	243
23	No. 23	E-mail string re Urgent need of	
24		details on Glyphosate, Bates MONGLY	
25		03550810 to 03550815	244

1	E	X H I B I T S C O N T I N U E D	
2		(Attached to transcript)	
3	MURPHEY D	EPOSITION EXHIBITS	PAGE
4	No. 24	E-mail re EPA talking points, Bates	
5		MONGLY03343529 to 03343531	255
6	No. 25	E-mail string re EPA talking points,	
7		Bates MONGLY03343539 to 03343541	256
8	No. 26	Document with Bates MONGLY12235354	
9		to 12235399	266
10	No. 27	E-mail string re Draft talking	
11		points on SAP, Bates MONGLY08174136	276
12	No. 28	E-mail string re Reuters Special	
13		Report: The World Health	
14		Organisation's critical challenge -	
15		healing itself, Bates MONGLY03381565	
16		to 03381570	284
17	No. 29	E-mail string re Heads up New	
18		England Journal of Medicine op-ed,	
19		Bates MONGLY07673376 to 07673377	289
20	No. 30	E-mail string re NEIM article,	
21		Bates MONGLY12167637 to 12167340	291
22	No. 31	E-mail string re EPA statement?	
23		Bates MONGLY03402231 to 03402234	296
24			
25			

1	E	X H I B I T S C O N T I N U E D	
2		(Attached to transcript)	
3	MURPHEY D	EPOSITION EXHIBITS	PAGE
4	No. 32	E-mail re Talking points for	
5		conversation with Gina.docx,	
6		Bates MONGLY03550799 to 03550801	300
7	No. 33	E-mail string re GA Update on US	
8		Government Outreach - WHO IARC	
9		Clarification on Glyphosate, Bates	
10		MONGLY03500585 to 03500591	311
11	No. 34	E-mail string re Glyphosate and	
12		Prop 65 - SAM COHEN - DRAFT LETTER,	
13		Bates MONGLY03057089-R to	
14		03057094-R	315
15	No. 35	E-mail string re Urgent/Reuters	
16		request for comment on a story	
17		regarding IARC/glyphosate, Bates	
18		MONGLY07574531 to 07574532	320
19	No. 36	E-mail re Your voicemail, Bates	
20		MONGLY07575511 to 07575517	324
21	No. 37	Reuters article, "Special Report:	
22		Cancer agency left in the dark	
23		over glyphosate evidence"	328
24			
25			

1	E	X H I B I T S C O N T I N U E D	
2		(Attached to transcript)	
3	MURPHEY D	EPOSITION EXHIBITS	PAGE
4	No. 38	Monsanto, Prop 65, Proposal,	
5		29 September 2017, Bates MONGLY	
6		07587243 to 07587248	336
7	No. 39	E-mail re Draft strategies, Bates	
8		MONGLY11789921 to 11789922	337
9	No. 40	E-mail string re Draft letter, one-	
10		pages, Bates MONGLY03342289 to	
11		03342305	352
12	No. 41	E-mail string re Glyphosate DRAFT	
13		Campaign outline, Bates MONGLY	
14		06365745 to 06365755	353
15	No. 42	E-mail string re IARC Glyphosate	
16		Monograph Publication, Timeline.pptx	,
17		Bates MONGLY00989762 to 00989764	368
18			
19			
20			
21			
22			
23			
24			
25			

1	PROCEEDINGS
2	
3	THE VIDEOGRAPHER: We are now on the
4	record. My name is Daniel Holmstock. I am the
5	videographer for Golkow Litigation Services.
6	Today's date is January 22nd, 2019. The time is
7	8:56 a.m. This video deposition is being held at
8	the law offices of Hollingsworth, LLP, at 1350
9	I Street, Northwest, in Washington, D.C., in the
10	matter of In Re Roundup Products Liability
11	Litigation, MDL Number 02741, pending before the
12	United States District Court for the Northern
13	District.
14	The deponent today is Mr. Sam Murphey,
15	as a 30(b)(6) witness representing Monsanto
16	Corporation.
17	Counsel will be noted on the
18	stenographic record for appearances.
19	The court reporter is Leslie A. Todd,
20	who will now administer the oath.
21	WHEREUPON,
22	SAMUEL MURPHEY,
23	having first been duly sworn, was
24	examined and testified as follows:
25	MR. ESFANDIARY: Pedram Esfandiary for

1 plaintiffs. 2 THE VIDEOGRAPHER: Oh, okay. I had you 3 noted on the stenographic record. 4 MR. ESFANDIARY: Oh, you did. Okay. 5 MR. PARISER: Before we start, Counsel, 6 I'm still not getting the Livenote feed. 7 that start up automatically? (Discussion off the record.) 8 9 THE VIDEOGRAPHER: The time is 8:57 a.m. 10 We're going off the record. 11 (Resolving technical issues.) 12 THE VIDEOGRAPHER: The time is 8:59 a.m. 13 And we're back on the record. 14 EXAMINATION BY COUNSEL FOR PLAINTIFFS BY MR. ESFANDIARY: 15 16 Good morning, Mr. Murphey. How are you 0 17 doing? 18 Good morning. I'm doing fine, thank Α 19 you. 20 So my name is Pedram Esfandiary. We met 21 off the record, briefly. I'm representing the 22 plaintiffs in this litigation. Do you know what 23 this litigation is about? 24 I do. Α 25 Okay, great. Have you given testimony Q

1 previously in deposition? 2 Α I have not. 3 This is your first deposition? 0 4 Α It is. 5 Okay. So I assume counsel walked you Q 6 through the various, you know, procedural 7 mechanisms of a deposition. If you want, I could 8 walk you through them again. 9 But just very briefly, this is a 10 question and answer format. So please wait for a 11 question, and wait until I finish my question 12 before you give an answer. Counsel may object 13 throughout the deposition, but I'm entitled to 14 your best answer, unless he instructs you not to 15 answer, and we can have a fight about that. 16 So before we get going here, I would 17 just like to lay out some preliminary --18 preliminary issues. 19 You understand that you've been 20 proffered here as a witness to testify on behalf 21 of the Monsanto Corporation, correct? 22 I do. Α 23 Okay. And you are currently an employee 24 of the Monsanto Corporation, right? 25 Yes, Monsanto, and now Bayer. Α

```
1
                Bayer. So you are technically an
           Q
 2
    employee of Bayer now, right?
 3
           Α
                I am.
 4
           Q
                I'm going to mark what will be
 5
    Exhibit No. 1 to your deposition. That's yours.
 6
                MR. ESFANDIARY: And a copy for counsel.
 7
                (Murphey Exhibit No. 1 was marked
                for identification.)
 8
 9
    BY MR. ESFANDIARY:
                And this is Plaintiffs' Amended Notice
10
           Q
11
    to take the videotaped oral deposition of Monsanto
12
    Company.
13
                Have you seen this notice before, sir?
14
                Yes, I have.
           Α
15
                Okay. If you would please turn to page
           0
16
    number 3, it's Exhibit A, it identifies various
17
    topics for deposition that the Monsanto
18
    representative will be testifying about.
19
    you'd turn to page number 4, sir, and you look at
    subjects number 18 and 19 there, 18 says,
20
21
     "Monsanto's knowledge, positions, and conduct
22
    related to the Let Nothing Go campaign and/or
23
    initiatives."
24
                Do you see that, sir?
25
           Α
                I do.
```

- 1 The one below it, No. 19, "Monsanto's Q 2 knowledge, positions, and conduct related to the interactions with the media and press related to 3 4 IARC's classification of GBFs as a probable human 5 carcinogen." 6 Do you see that? 7 I do. Α 8 Is it your understanding that you are 0 9 here, able and competent to testify about these 10 two topics? 11 Α Yes, sir. 12 On behalf of the Monsanto Corporation, Q 13 correct? 14 Α Yes. 15 So the way we're going to do 0 Great. 16 this, I'm going to start the deposition with these 17 two topics. I'm going to start with topic No. 19, 18 proceed to 18, and then I may ask you some 19 questions in your individual capacity related to 20 your work at the Monsanto Corporation. Cool?
- 21 A I understand.
- Q All right.

- 1: 1:::: 1:: 2:: 2:: 1::::

- MR. PARISER: Counsel, just to clarify,
- are we going to mark the 30(b)(6) segment of the
- deposition completed, and then proceed to the

- 1 separate individual deposition, or how do you want
- 2 to handle that?
- MR. ESFANDIARY: I'd rather not do -- we
- 4 can talk about that maybe during a break, but I'd
- 5 rather not do that at this moment. We'll see how
- 6 the deposition unfolds, and we can maybe talk
- 7 about that.
- MR. PARISER: Okay. We'll -- we'll talk
- 9 about that at the next break. I just want it to
- 10 be as clear as possible when the witness is
- speaking on behalf of the company, as opposed to
- 12 his individual capacity.
- MR. ESFANDIARY: I'll -- I'll ask him --
- if I'm -- I'll form the question to suggest I'm
- asking him in his individual capacity.
- 16 BY MR. ESFANDIARY:
- 17 Q All right. How long have you been an
- employee of the Monsanto Corporation, Mr. Murphey?
- 19 A Since January of 2013.
- 20 Q Since 2013. Okay. So you've been there
- for about, what, it's coming up to four years,
- 22 right?
- A No, sir. It would be just over six
- years.
- Q Six years.

1 THE VIDEOGRAPHER: Counsel, I need to go 2 off the record again. I'm sorry. 3 MR. ESFANDIARY: Yeah. 4 THE VIDEOGRAPHER: The time is 9:03 a.m. We're going off the record. 5 (Pause in proceedings.) 6 7 THE VIDEOGRAPHER: The time is 9:08 8 a.m., and we're back on the record. 9 BY MR. ESFANDIARY: 10 All right, Mr. Murphey, before I got my Q 11 math all bungled up there, so you've been at the 12 Monsanto Corporation for six years? 13 Α Yes. 14 Correct? Okay. I would like to mark 0 15 Exhibit No. 2 to your deposition. 16 (Murphey Exhibit No. 2 was marked 17 for identification.) 18 BY MR. ESFANDIARY: 19 And this is what appears to be your Q 20 LinkedIn page, correct, sir? 21 Yes, that's right. Α 22 Okay. And if you turn to page 2 of 4, Q 23 you got your education at Truman State 24 University -- is that upper Missouri? 25 Yes, sir. Α

- 1 Q Okay. And you received a bachelor of
- 2 arts, BA, in communication journalism, right?
- 3 A That's correct.
- 4 Q In 2006?
- 5 A That's correct.
- 6 Q And then you proceeded to work as a
- 7 communications director in the office of Governor
- 8 Jay Nixon of Missouri, correct?
- 9 A That's correct.
- 10 Q And you did that for two years. What
- did that position entail? What's a communication
- 12 director?
- 13 A Sure. So the communications director in
- the governor's office oversaw a team of
- professionals who handled media relations, event
- planning, helped the governor with preparation of
- 17 speeches and remarks. We were kind of the public
- and media liaison for the office.
- 19 Q We have a term for a public relations
- 20 individual in the U.K., specifically the one that
- works for government. Have you heard of the term
- "spin doctor"?
- MR. PARISER: Objection to form.
- THE WITNESS: I've -- I've heard that
- term. I don't think it reflects what I did in the

- 1 governor's office.
- 2 BY MR. ESFANDIARY:
- 3 Q So did part of your job entail, at the
- 4 governor's office, taking what could be
- 5 potentially negative PR issues, and turning them
- 6 into positive ones for the governor?
- 7 MR. PARISER: Objection to form.
- 8 THE WITNESS: I -- I think my
- 9 responsibilities in the governor's office focused
- on helping develop messaging and communicate his
- 11 policies and his priorities to the public.
- 12 BY MR. ESFANDIARY:
- 13 Q In a positive way, ideally?
- 14 A Sure. We wanted -- wanted to emphasize
- the benefits and the good work the governor was
- doing for the state, while accurately reflecting
- his positions.
- 18 Q And if a negative story was to be issued
- with respect to what the governor is doing in
- office, part of your job entailed to, essentially,
- turn it into a potentially positive one for the
- governor, correct?
- 23 A No. I think my -- our focus was more on
- communicating his policy and priorities -- his
- policies and his priorities in an accurate way,

- 1 that helped advance his agenda for the state.
- 2 Q So you --
- MR. PARISER: And, Counsel, just to
- 4 interrupt for a second, it should be obvious, but
- 5 all of these background questions, and questions
- 6 about his past history are outside the scope of
- 7 the 30(b)(6) notice. So these are all in his
- 8 individual capacity.
- 9 Can I have a running objection in that
- 10 regard.
- MR. ESFANDIARY: Sure. That's fine.
- 12 BY MR. ESFANDIARY:
- 13 Q If you turn to page 1 of your LinkedIn
- profile there, and here it identifies your tenure
- at Monsanto Company, correct?
- A Yes, it does.
- 17 Q And it says, global external affairs
- 18 lead, chemistry.
- 19 A Yes.
- Q If I could stop right there. Do you
- 21 have any background in the sciences?
- 22 A No, sir. My degree is in communication
- 23 and journalism.
- 24 Q You don't have any independent knowledge
- of chemistry, correct?

- 1 A No. My knowledge of the science behind
- our products would come from my conversations with
- 3 Monsanto scientists.
- 4 Q So you would defer to your Monsanto
- 5 colleagues -- by the Monsanto colleagues, when it
- 6 comes to scientific issues pertaining to the
- 7 product, correct?
- 8 A That's correct.
- that you would defer to include people like
- 11 Dr. Donna Farmer?
- 12 A Yes.
- Q And people like Dr. Bill Heydens?
- 14 A Yes.
- 15 Q So if Dr. Farmer was to say, "We cannot
- 16 say that Roundup is not carcinogenic, because we
- have not tested the formulated product," would you
- defer to her on that?
- MR. PARISER: Objection to form.
- 20 Misstates the record.
- THE WITNESS: I -- I would -- I have a
- lot of confidence, a tremendous amount of
- 23 confidence in the professionalism and expertise of
- 24 Dr. Farmer and her colleagues at our company. I
- understand the specific context around that

- 1 particular comment that Dr. Farmer was trying to
- 2 make. She was trying to be very accurate and
- 3 precise in language.
- But, yes, I would refer to Dr. Farmer's
- 5 expertise on a variety of subjects.
- 6 BY MR. ESFANDIARY:
- 7 Q That wasn't quite my question there.
- 8 So my question was, with respect to the
- 9 statement, "We cannot say that Roundup is not
- 10 carcinogenic, because we have not tested the
- 11 formulated product," would you defer to Dr. Farmer
- on that statement?
- MR. PARISER: Objection to form.
- 14 Misstates the record.
- THE WITNESS: Yes, and I understand what
- 16 Dr. Farmer meant in that -- in that context.
- 17 BY MR. ESFANDIARY:
- 18 Q And if Dr. Bill Heydens said that he
- 19 believes "a tumor in a mouse study could be
- 20 related to exposure to the surfactant in the
- formulated product," would you also defer to his
- 22 expertise in that regard?
- MR. PARISER: Objection to form.
- 24 Misstates the record.
- THE WITNESS: I would like to see the

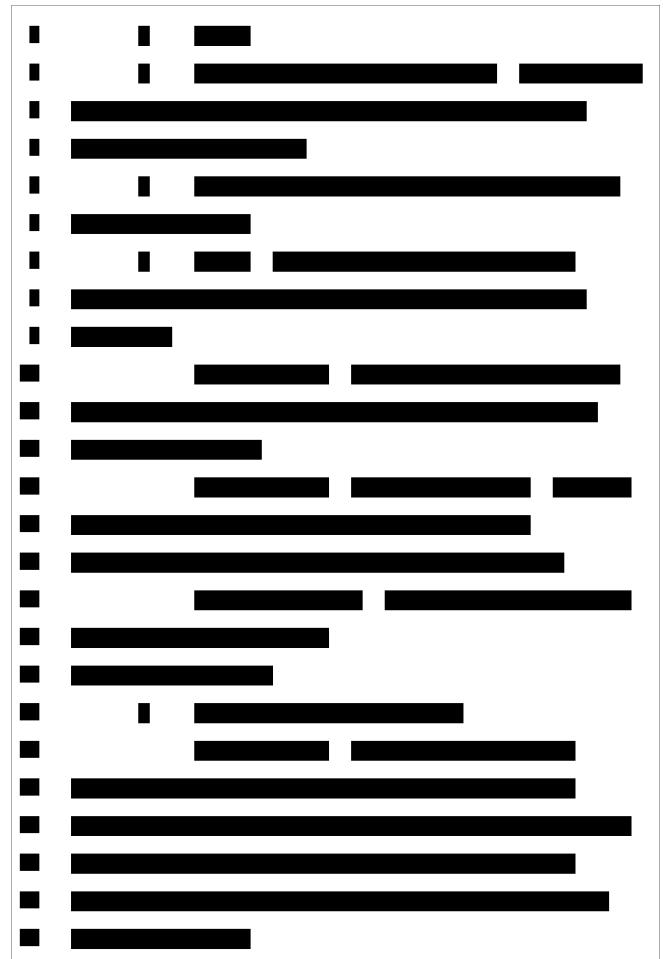
- 1 specific context around -- around that statement.
- 2 So I can't respond to that particular statement in
- 3 specificity, but I would defer to Dr. Heydens'
- 4 expertise.
- 5 BY MR. ESFANDIARY:
- 6 Q All right. If you look back at your
- 7 LinkedIn profile there, your tenure at the
- 8 Monsanto Company, it says, "Direct global media
- 9 relations and advocacy efforts in support of major
- 10 litigation, policy matters, and reputational
- threats, focusing on the herbicide business and
- 12 freedom to operate."
- Do you see that?
- 14 A I do.
- Q All right. And we'll get into
- specifically what "freedom to operate" entails,
- 17 but part of your efforts at Monsanto were to
- 18 assist in the ongoing litigation -- responding to
- ongoing litigation, particularly with respect to
- 20 Roundup, correct?

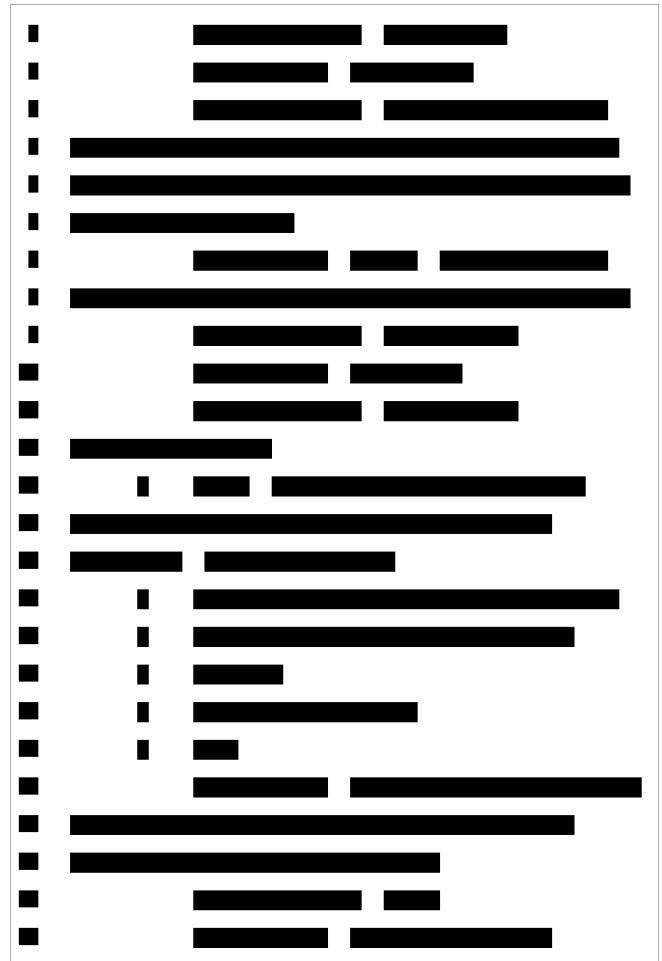
- MR. PARISER: Objection to form.
- THE WITNESS: Yes, the Roundup
- litigation was one of the -- one of the pieces of
- litigation that my team and I supported, as it was
- attracting a significant number of inquiries from

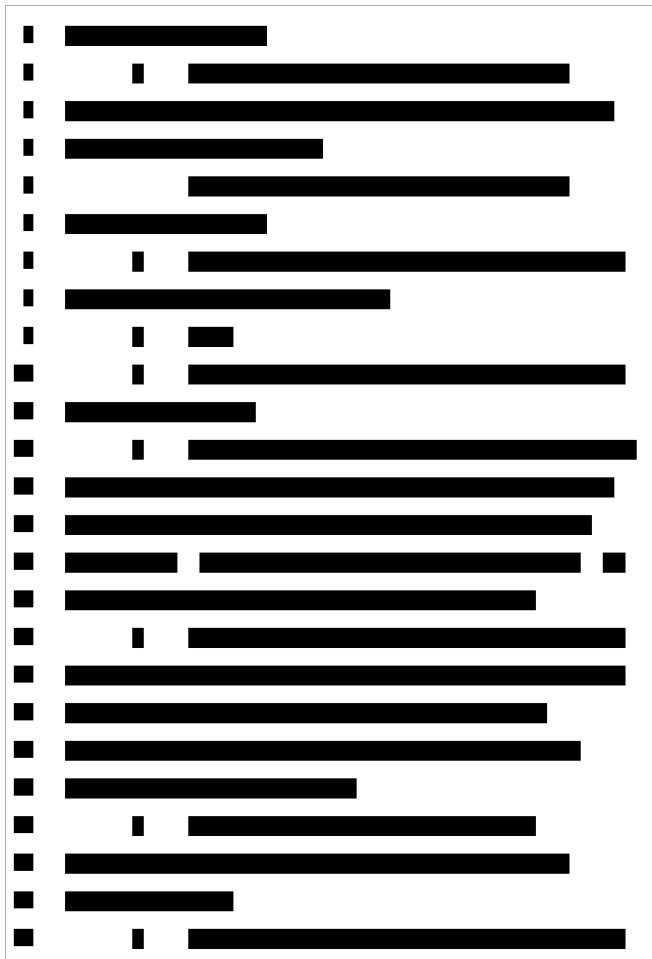
- 1 reporters around the world.
- 2 BY MR. ESFANDIARY:
- Q And it says, "direct global media
- 4 relations." Is it fair to say that the judgment
- 5 that you exercise in your position at the Monsanto
- 6 Company helped direct corporate policy in the
- 7 areas identified in your LinkedIn profile?
- 8 MR. PARISER: Objection to form, and
- 9 objection to the extent you're asking the witness
- 10 for -- to make a legal conclusion.
- THE WITNESS: Could you -- could you
- 12 clarify by what you mean by "directing corporate
- policy" in those areas?
- 14 BY MR. ESFANDIARY:
- Q Well, for example, when it says, "direct
- 16 global media relations and advocacy efforts," in
- your capacity at Monsanto, where you were
- directing the global media relations, did the
- decisions that you make help shape Monsanto policy
- in this regard?
- MR. PARISER: Same objection. Objection
- to form, and to the extent you're asking the
- witness to make a legal conclusion about his
- ability to bind the company.
- THE WITNESS: My -- my responsibilities

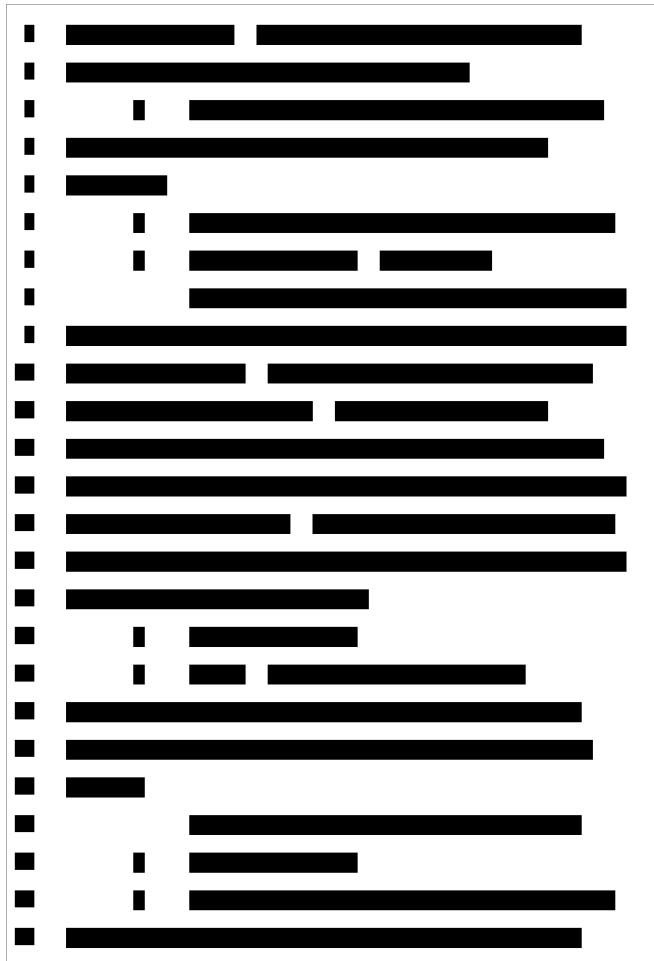
- would have included working with our team to
- determine how best to receive inquiries coming in
- 3 from reporters, to work with our scientists to
- 4 develop those responses, our proactive strategies
- 5 around reaching out to reporters. And, yes, I
- 6 would have had -- I would have provided direction
- 7 over those activities.
- 8 BY MR. ESFANDIARY:
- 9 Q And that would have eventually shaped
- 10 Monsanto corporate policy with respect to the
- 11 media outreach and the global media relations that
- the Monsanto Company engaged in with respect to
- the Roundup litigation, correct?
- MR. PARISER: Same objections.
- THE WITNESS: I'm -- I'm struggling to
- understand exactly what you mean, again, by
- 17 "shaping the corporate policy." But, yes, I
- 18 did -- I did direct and provide leadership for
- 19 those activities.
- 20 BY MR. ESFANDIARY:
- 21 Q In the second paragraph there, it says,
- 22 "Place compelling stories that materially
- contribute to commercial litigation and government
- 24 relations strategies and initiatives." Do you see
- 25 that?

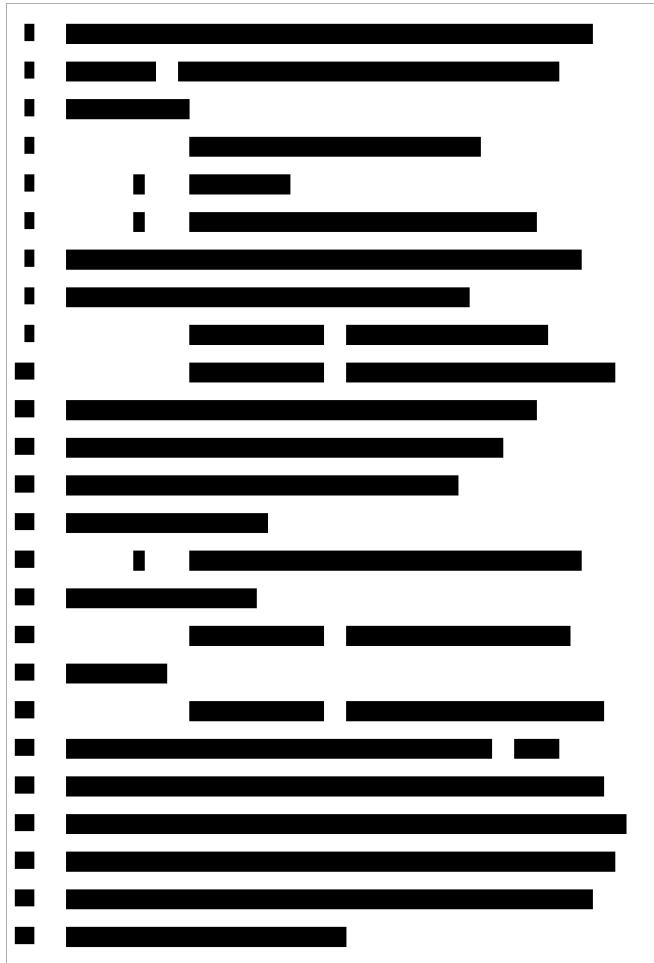
1	A I do.

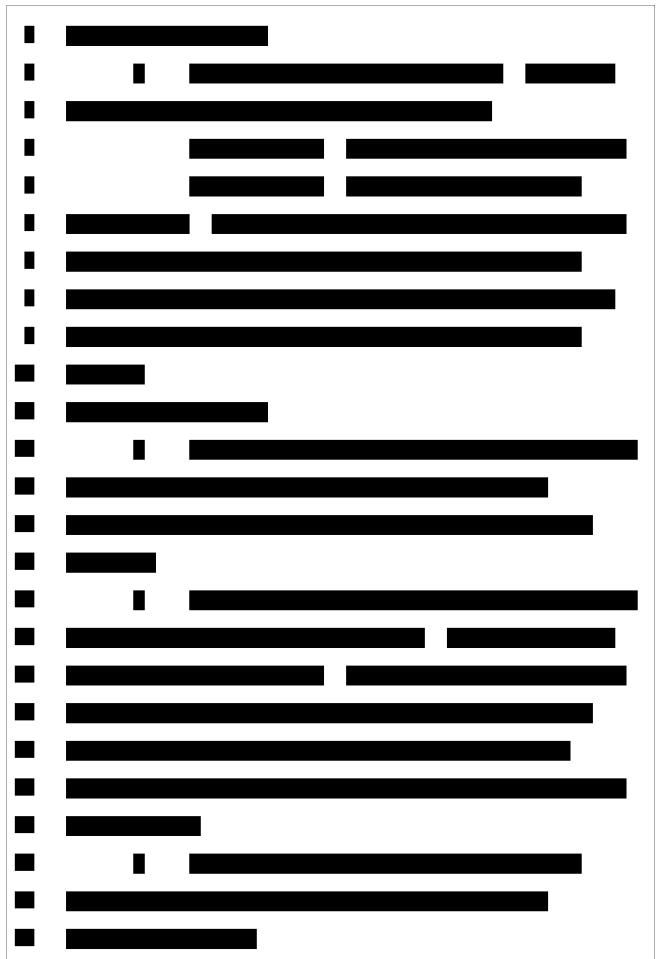


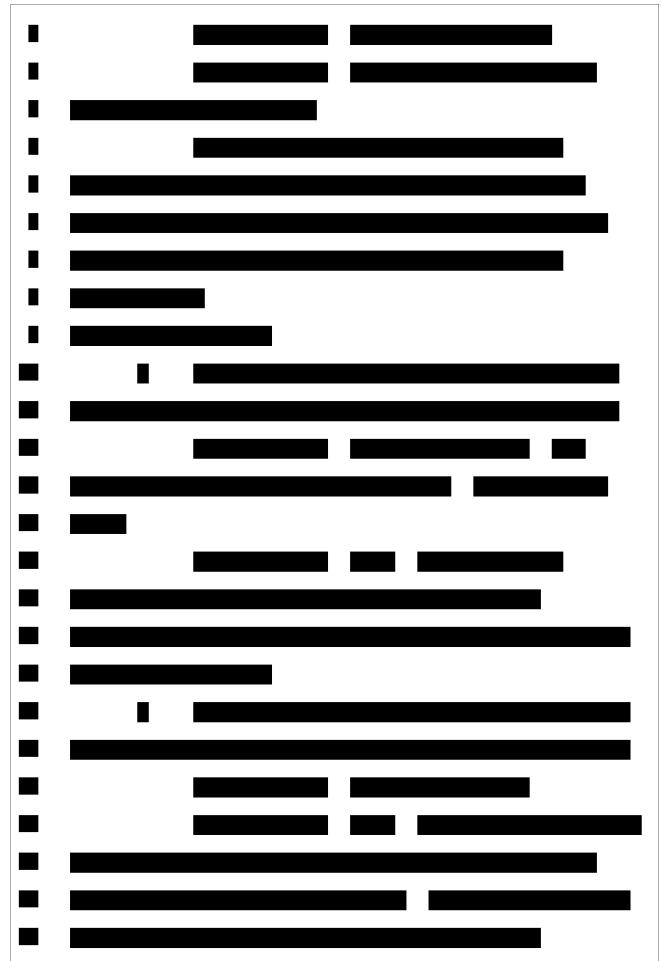


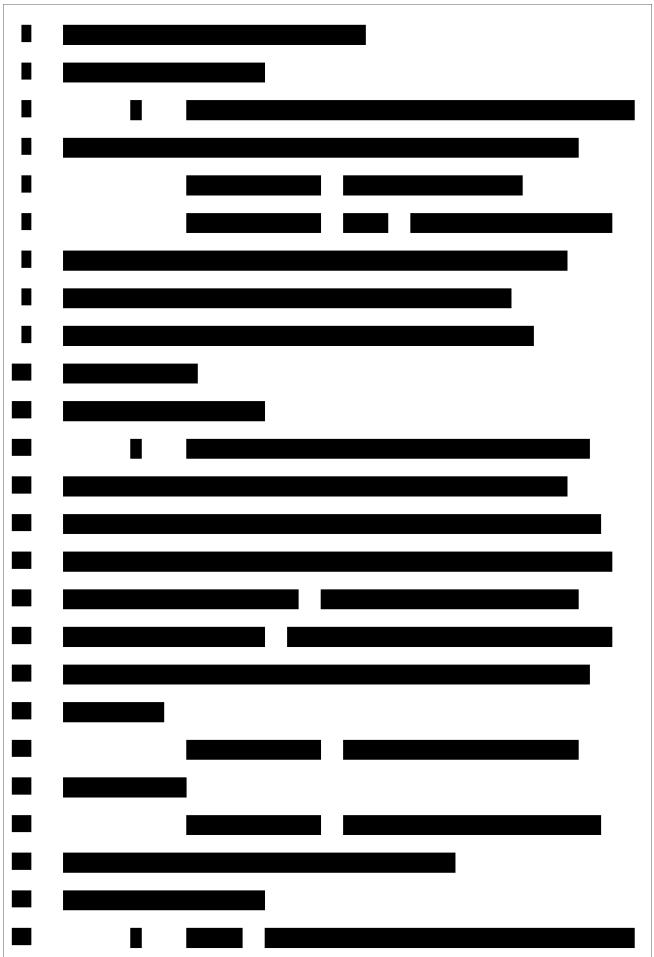


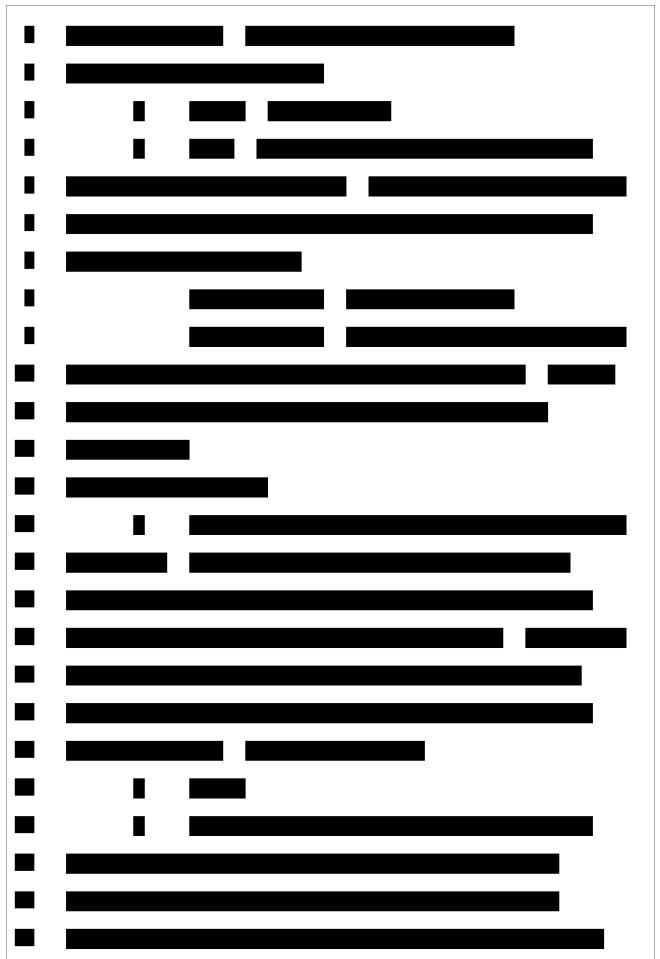


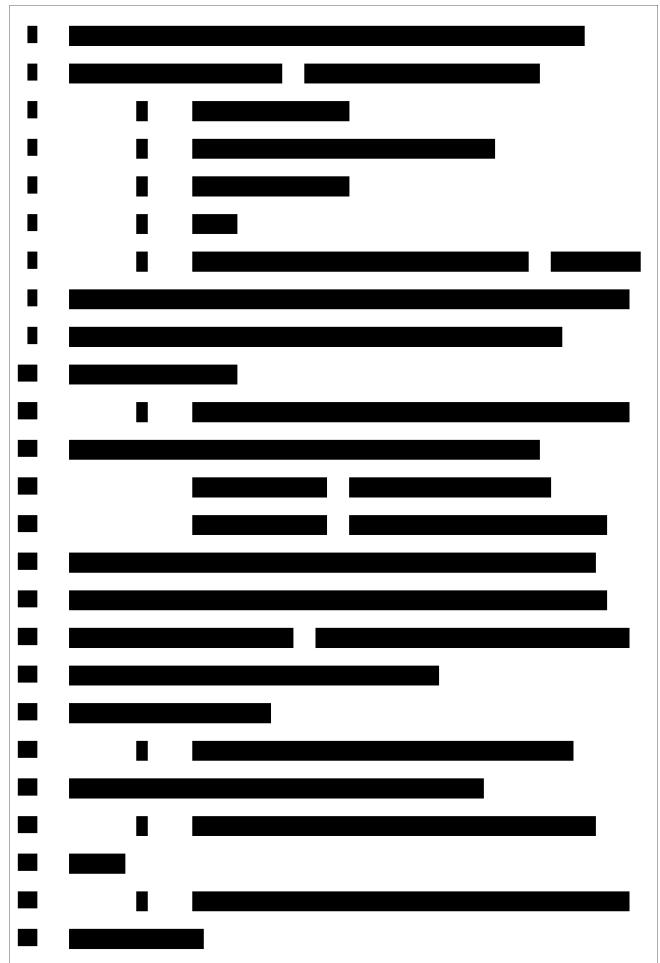


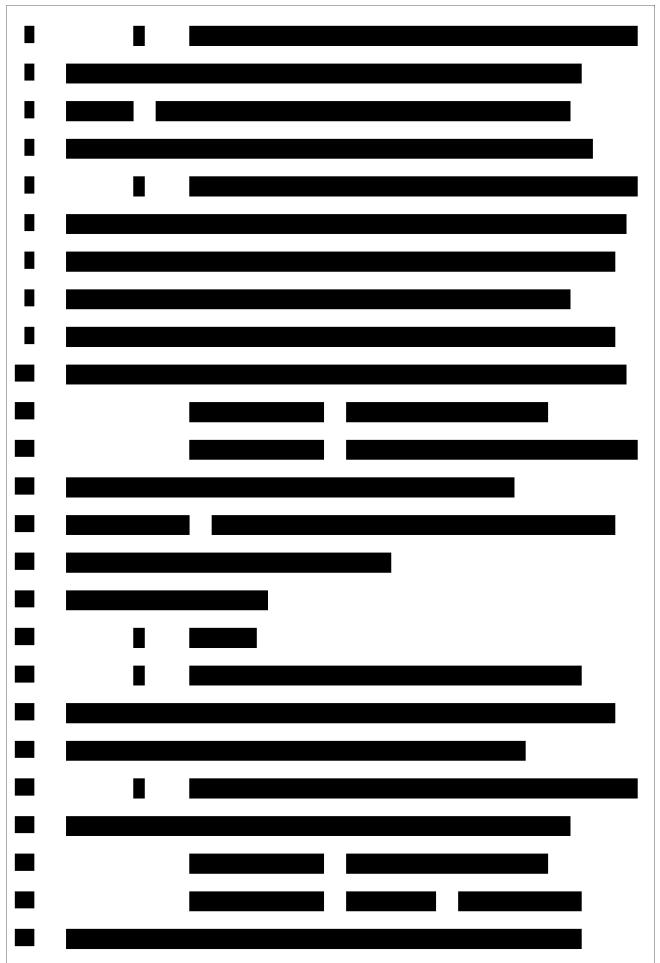


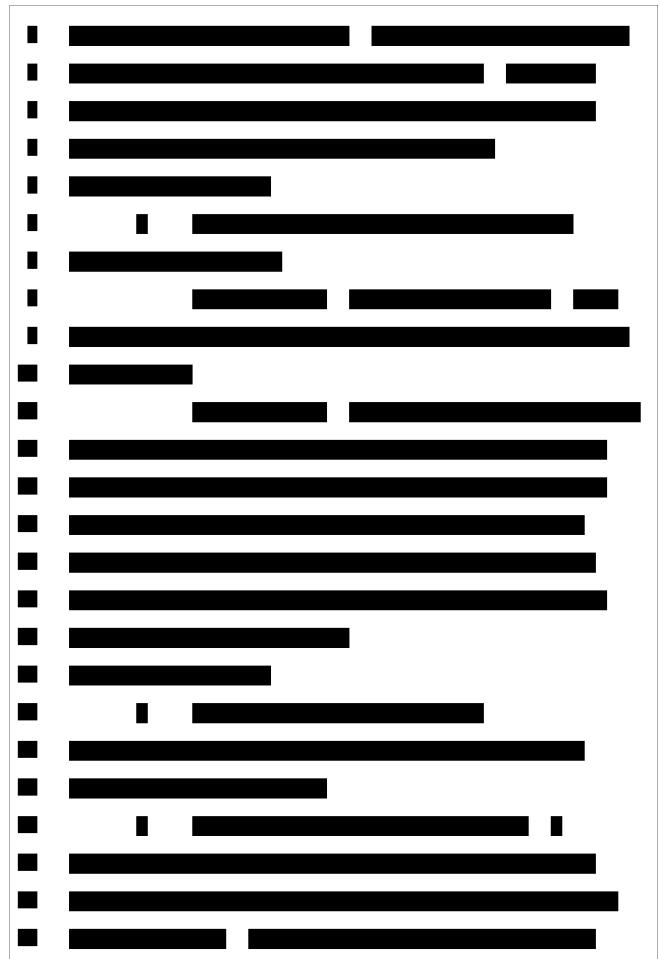












2 0 Let's switch gears here to the 3 International Agency for Research on Cancer, IARC. 4 You're familiar with IARC, correct, sir? 5 Α Yes, I am. 6 And do you know how long IARC has been 7 around for? 8 Α My understanding is 50 or so years. 9 I would like to mark as Exhibit No. 5 to your deposition -- oh, it's 4, rather. 10 (Murphey Exhibit No. 4 was marked 11 12 for identification.) 13 BY MR. ESFANDIARY: 14 All righty. This is an excerpt from the 15 IARC website. And the name of the specific page 16 is Agents Classified By the IARC Monographs, 17 Volumes 1 through 123. This page was last updated 18 November 9th, 2018. Have you seen this page 19 before? 20 I don't know that I've seen this 21 particular page before. 22 Have you ever visited the IARC website Q 23 before? 24 Α Yes. 25 But you don't recall coming across the Q

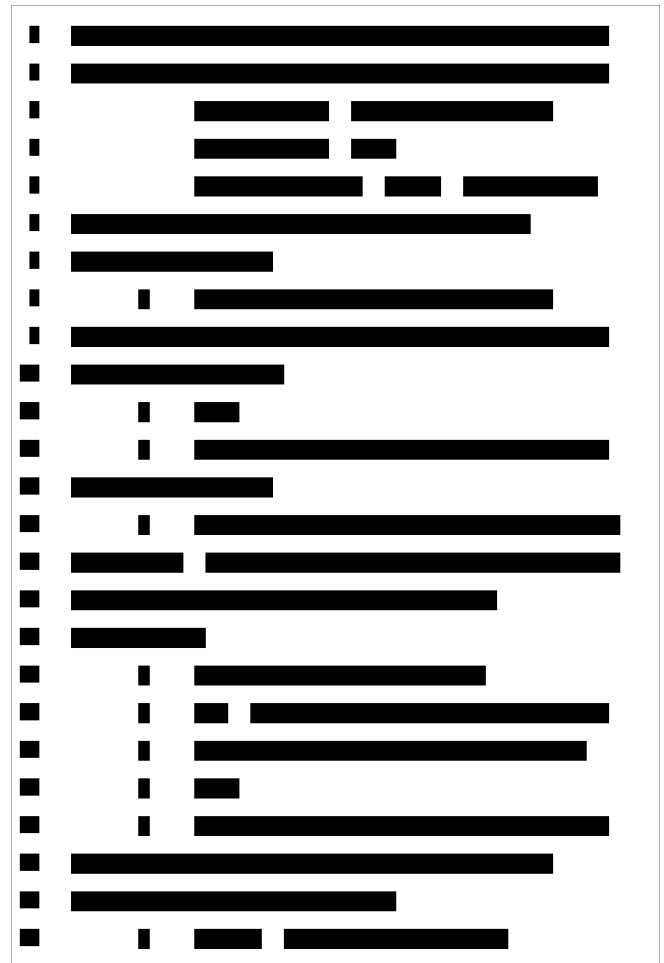
- 1 page dealing or addressing the specific chemicals
- that IARC has classified over the years?
- A I just -- I don't recall whether or not
- 4 I've seen this specific page.
- 5 Q And if you look to the right-hand there,
- 6 it identifies different numbers -- the agents that
- 7 IARC has classified over the years. Do you know
- 8 how many total -- how many chemicals IARC has
- 9 reviewed and classified over the years? I've done
- 10 the math myself. I can represent it to you, if
- 11 you want.
- 12 A Yeah, I mean, it seems to be the sum of
- that column of numbers.
- 14 Q It's 1,013 over the years.
- 15 A Fair enough, yeah.
- 16 Q So in 50 years at IARC, they've reviewed
- about over a thousand chemicals. Okay?
- 18 A That's my understanding, yes.
- 19 Q And can you see that out of the 1,013
- 20 chemicals, only 120 agents have been classified as
- group 1, carcinogenic to humans?
- 22 A That's what -- that's what's written
- here on the page.

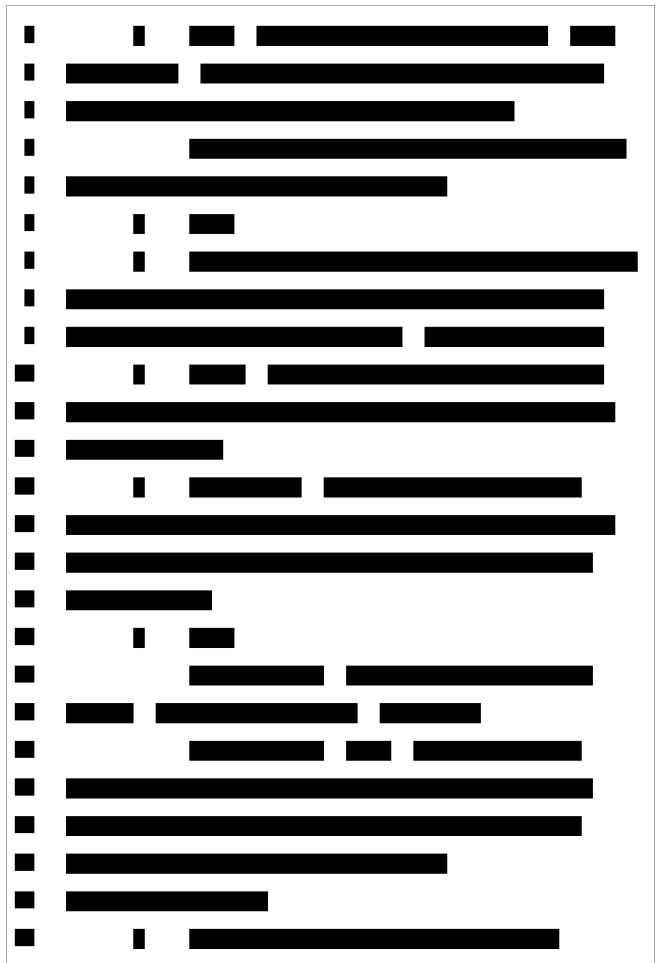
- Q Can you see that the majority of the
- chemicals have been classified in group 3, not

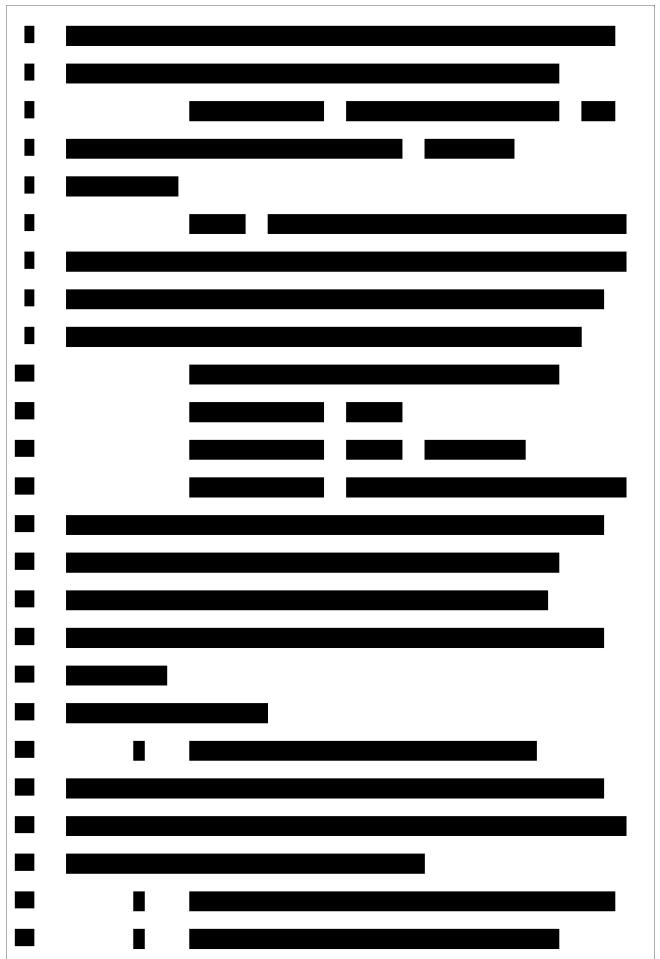
- 1 classifiable as to its carcinogen in humans?
- 2 A That -- group 3 does have the largest
- 3 number next to it, yes.
- 4 Q Now, IARC classified glyphosate in 2015,
- 5 correct?
- 6 A Yes.
- 7 Q Do you know which category IARC
- 8 classified glyphosate in?
- 9 A The IARC opinion on glyphosate was
- 10 category 2A.
- 11 Q That would be the second down from the
- top, probably carcinogenic to humans, correct?
- 13 A That's correct.
- 14 Q And within that group, there's 82
- chemicals out of the 1,013 that IARC has reviewed,
- 16 correct?
- MR. PARISER: I'm just going to object
- 18 generally that your questioning so far about this
- document is outside the scope of the 30(b)(6), but
- you can go ahead. He can answer in his personal
- 21 capacity.
- THE WITNESS: Yes, it says 82.
- 23 BY MR. ESFANDIARY:
- 24 Q So you agree that fewer chemicals have
- been classified by IARC as probably carcinogenic

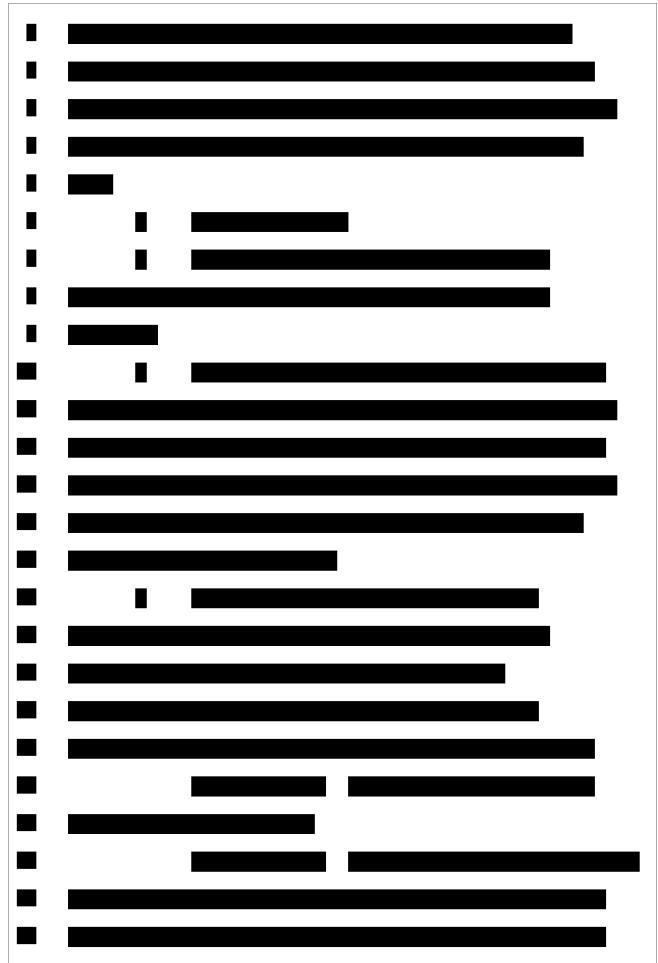
- - than not classifiable as to carcinogenicity,
  - 2 correct?
  - MR. PARISER: Same objections as to
  - 4 scope. Go ahead.
  - 5 THE WITNESS: Yes, that's accurate,
  - 6 based on what's written here.
  - 7 BY MR. ESFANDIARY:
  - 8 Q And in the group that IARC classified --
  - 9 classified glyphosate, group 2A, probably
- 10 carcinogenic to humans, are you aware that the 82
- other chemicals in the category in which
- 12 glyphosate falls, that represents 8 percent of the
- 13 total number of chemicals reviewed by IARC?
- MR. PARISER: Same objections.
- THE WITNESS: That's roughly correct,
- based on the math.
- 17 BY MR. ESFANDIARY:
- 18 Q So out of over a thousand chemicals,
- 19 IARC has classified 8 percent as being probably
- 20 carcinogenic to humans, correct?
- MR. PARISER: Same objections.
- THE WITNESS: Again, yeah, based on --
- 23 based on the math, that's right.
- But just to be -- to be clear, though, I
- don't think it -- IARC doesn't just classify

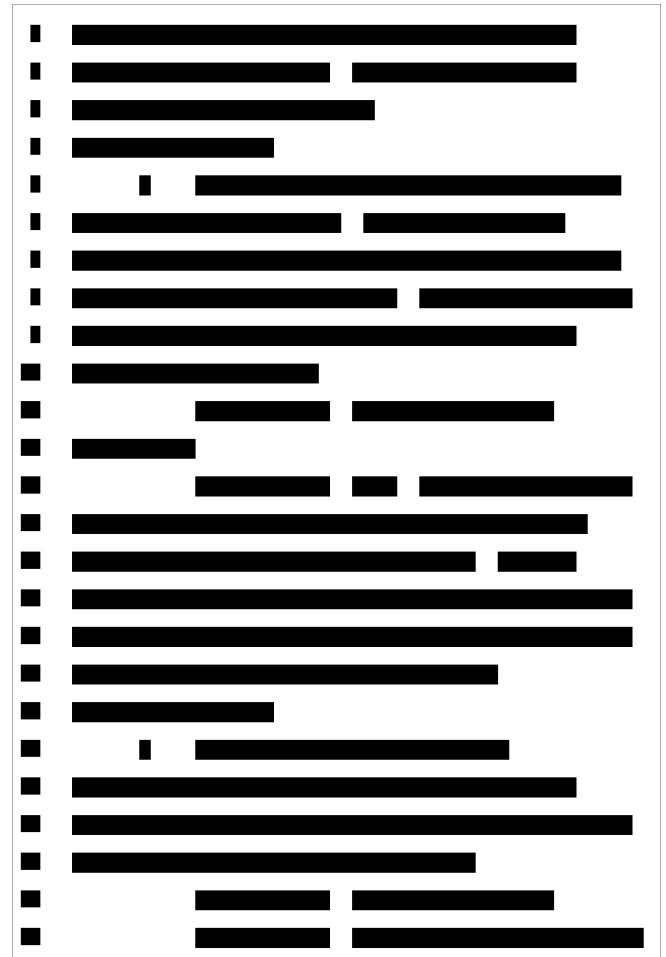
1 chemicals. It can be other substances. It can be activities as well. 3 BY MR. ESFANDIARY: Sure. All right. Q MR. ESFANDIARY: I'm going to move this 5 document into evidence as well. And we're going 6 to proceed to Exhibit No. 5.

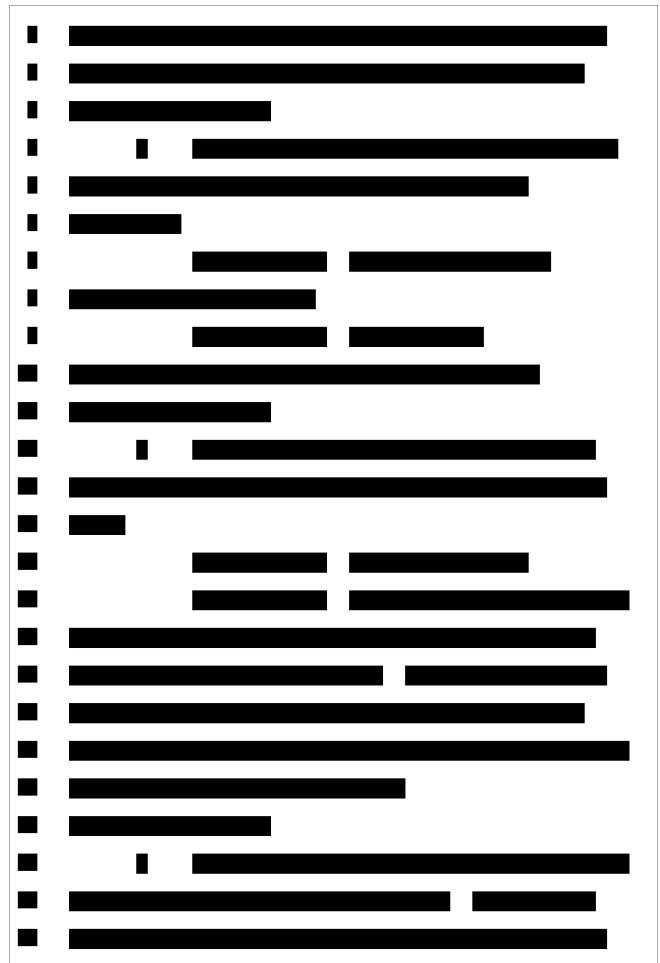


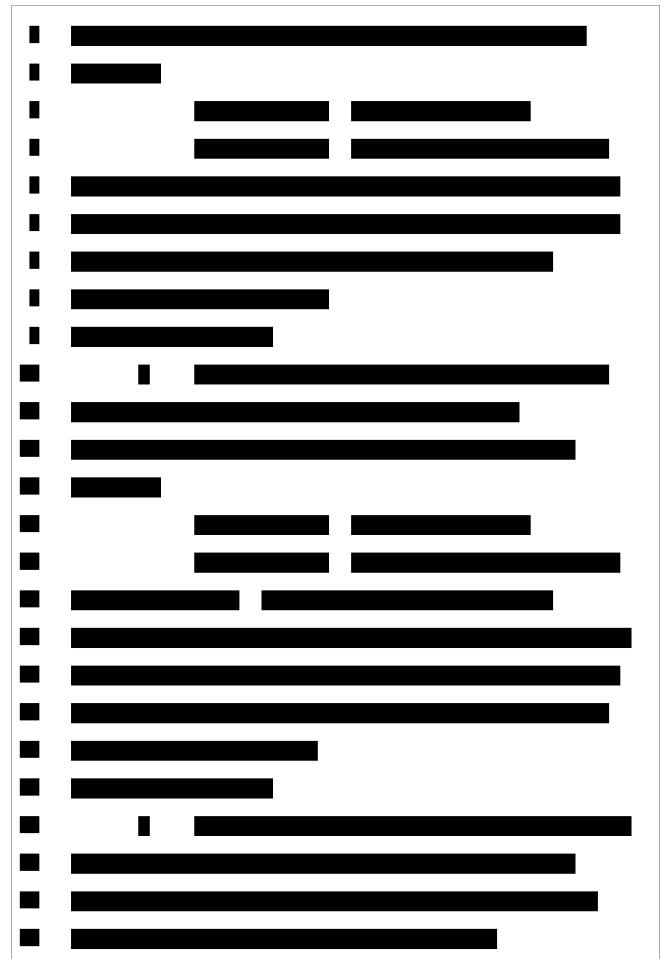


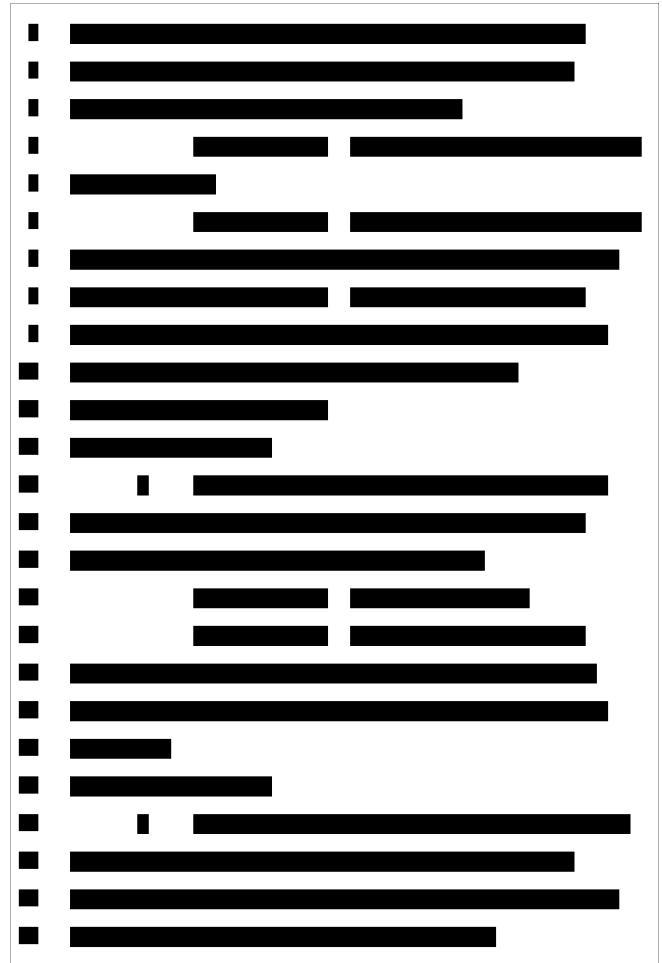


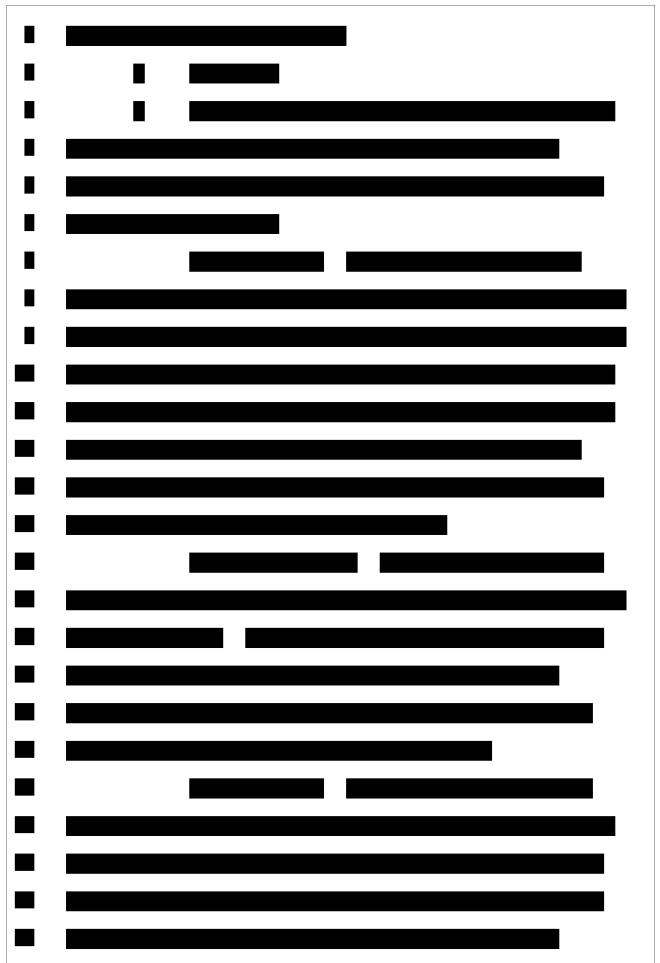


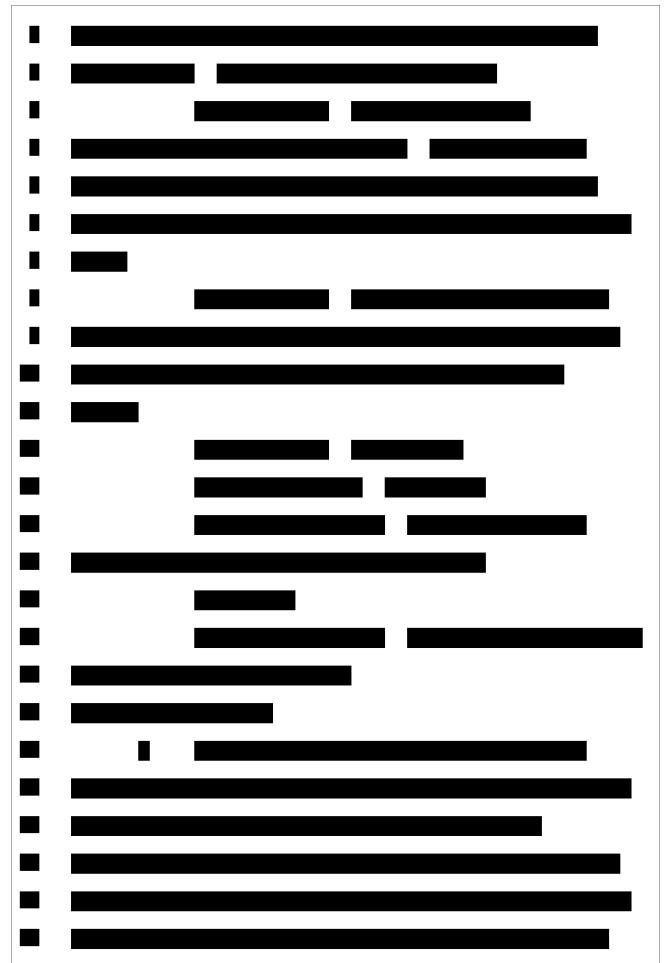


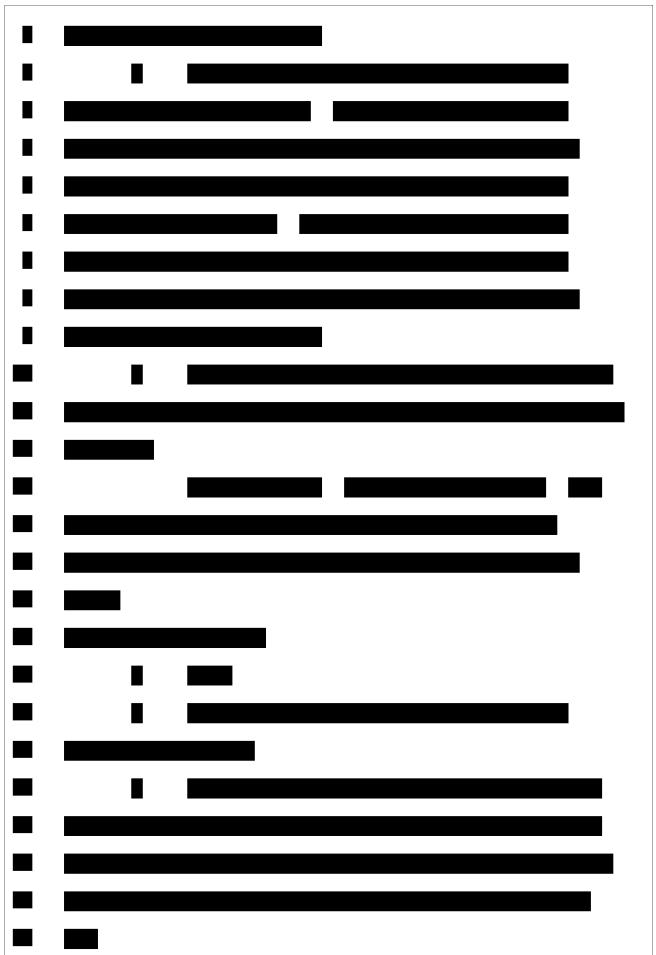












```
5
                (Murphey Exhibit No. 6 was marked
                for identification.)
 6
 7
    BY MR. ESFANDIARY:
 8
           Q
                I'm going to mark as Exhibit No. 6 to
 9
    your deposition.
10
                Thank you.
           Α
11
                This is -- an article by Mr. Chris
12
    Bennett titled Glyphosate War Stirs Chemical
13
            And it was published October 23rd, 2018.
    Storm.
14
    Do you recall reading the final article that
    Mr. Bennett published, sir?
15
16
                Let me just take a minute to -- (Peruses
           Α
    document.)
17
                I think I do recall seeing this article
18
19
    when it came out.
20
                Okay. If you turn to page 5, and at the
21
    top there, it says, "Vice president of Bayer has
22
    rendered opinions" -- sorry, let me go back.
23
                It says, "Vice president of Bayer:
    has rendered opinions on 1,200 substances, and in
24
25
    all but one, found cancer risks."
```

- 1 Is it your understanding that this is
- 2 substantively the same quote that Mr. Bennett sent
- 3 to you and your colleagues at Monsanto to check
- 4 for accuracy, sir?
- 5 A Yes, that looks to be substantively
- 6 similar to what Mr. Bennett sent in his e-mail to
- 7 Ms. Lord.
- 8 Q Now, Mr. Partridge's e-mail doesn't say
- 9 that 499 chemicals have been classified in
- 10 group 3, not classifiable as to its
- 11 carcinogenicity to humans, correct?
- MR. PARISER: Objection to form.
- THE WITNESS: No. Again, the context of
- 14 his statement here is that of the 1,200 or so
- substances that IARC has classified, only one is
- 16 classified in category 4.
- 17 BY MR. ESFANDIARY:
- 18 Q He says, all but one. He doesn't say
- only one. He says, everything has been classified
- 20 as carcinogenic but one, correct?
- MR. PARISER: Objection to form.
- THE WITNESS: In all but one, they found
- some -- some level -- some level of risk. Again,
- there's only -- there's only one category. And
- that's category 4 that says, probably not

- 1 carcinogenic to humans.
- 2 BY MR. ESFANDIARY:
- 3 Q Is it your testimony to the jury that
- 4 not classifiable as to carcinogenicity indicates
- 5 that IARC found some kind of a risk?
- 6 MR. PARISER: Objection to form and
- 7 scope.
- 8 THE WITNESS: I'm not familiar with the
- 9 exact criteria of category 3. You know, it -- but
- it seems to suggest that they don't have
- 11 convincing evidence either way. But the sole
- 12 category that is probably not carcinogenic to
- 13 humans is category 4.
- 14 BY MR. ESFANDIARY:
- Q Right. But the category, not
- 16 classifiable, it includes chemicals that have been
- 17 reviewed and classified by IARC, correct?
- MR. PARISER: Same objections.
- THE WITNESS: Yes, in category 3. Not
- in category 4.
- 21 BY MR. ESFANDIARY:
- Q Right. But when Mr. Partridge says that
- 23 IARC has found cancer risks in all, he is lumping
- in category 3 in his statement there, isn't he,
- 25 sir?

- 1 MR. PARISER: Same objections. Asked
- 2 and answered.
- THE WITNESS: Yes, because of the 1,200
- 4 or so substances and activities, and other things
- 5 that IARC has classified, there is only one that
- 6 is in category 4.
- 7 BY MR. ESFANDIARY:
- 8 Q But I'm not asking about the one in
- 9 category 4. I'm asking about, when he says, in
- all, he is including category 3, not classifiable
- 11 as to carcinogenicity, in that statement, correct?
- MR. PARISER: Same objections.
- THE WITNESS: Yes.
- 14 BY MR. ESFANDIARY:
- 15 Q So Monsanto represented to the world
- that even in instances when IARC has classified a
- 17 chemical as not classifiable as to
- 18 carcinogenicity, that indicates a risk, correct?
- MR. PARISER: Same objections.
- THE WITNESS: No. Mr. Partridge made
- the point here that there's only one substance, of
- 22 all that IARC has looked at, that is in
- 23 category 4. That is -- that is how I read his --
- 24 his statement.
- 25 BY MR. ESFANDIARY:

- 1 Q And just so the record is clear, I
- 2 understand that he said that he's referring to the
- 3 category 4, but he's also referring to all the
- 4 other categories, correct?
- 5 MR. PARISER: Same objections. Asked
- 6 and answered.
- 7 THE WITNESS: Yes, every -- everything
- 8 that is not in category 4.
- 9 BY MR. ESFANDIARY:
- 10 Q Which includes not classifiable.
- 11 A Correct, because those are not in
- 12 category 4, probably not carcinogenic to humans.
- 13 Q So when Mr. Partridge says that IARC has
- 14 found a cancer risk in all, my question to you,
- 15 sir, is Monsanto's representing that not
- 16 classifiable to carcinogenicity implies that there
- is a risk of cancer, correct?
- MR. PARISER: Same objections. Asked
- 19 and answered.
- THE WITNESS: There -- there could be;
- there could not be. It's a substance, or an
- 22 activity, or item that is not in category 4, which
- is the only category that is definitively probably
- not carcinogenic to humans.
- 25 BY MR. ESFANDIARY:

- 1 Q And Mr. Partridge did not make that
- distinction in issuing this quote to the world,
- 3 correct?
- 4 MR. PARISER: Same objections. Asked
- 5 and answered several times.
- 6 THE WITNESS: No. Mr. Partridge made
- 7 the point that of all of the substances that IARC
- 8 looked at, there's only one that is in category 4.
- 9 BY MR. ESFANDIARY:
- 10 Q And getting really technical, because
- 11 IARC -- you agree IARC is a research organization,
- 12 correct?
- MR. PARISER: Objection to scope.
- 14 THE WITNESS: My understanding is that
- 15 IARC conducts a number of activities. They do --
- 16 you know, they do some research. And then in the
- 17 case of the monographs program, they review
- 18 research that others have done.
- 19 BY MR. ESFANDIARY:
- 20 Q And they have clearly distinguished
- 21 criteria by which they classify chemicals, and
- 22 activities, and foods, and so forth, correct?
- MR. PARISER: Same objections.
- THE WITNESS: Yes, that's generally
- my -- my understanding.

- - 1 BY MR. ESFANDIARY:
  - 2 Q And these clearly defined criteria are
  - 3 clearly defined for a -- for a reason, correct?
  - 4 MR. PARISER: Objection to form.
  - 5 THE WITNESS: I -- I can't speak to how
  - 6 clearly defined or not they are. That's not --
  - 7 I'm not familiar with the specific criteria. But
  - 8 I understand that there are criteria by which they
  - 9 choose to place a substance, or an activity, or a
- 10 food, as you said, into a different category.
- 11 BY MR. ESFANDIARY:
- 12 Q Given the numbers that we looked at,
- with respect to how many chemicals have been
- 14 classified in specific groups by IARC, and 499 of
- them being not classifiable as to carcinogenicity,
- is it accurate to say, that in every instance but
- one, IARC has found a cancer risk?
- MR. PARISER: Objection to scope and
- 19 form and scope. Asked and answered numerous
- 20 times.
- THE WITNESS: Yes, in -- through the
- 22 IARC classification system, there is only one
- substance where they have said it is -- it is in
- 24 category 4, which is their only category that is
- probably not carcinogenic to humans.

- - 1 BY MR. ESFANDIARY:
  - Q Is it accurate to say that the majority
  - of the chemicals reviewed by IARC have been
  - 4 classified as carcinogens?
  - 5 MR. PARISER: Same objections.
  - THE WITNESS: They have been put -- they
  - 7 have been put into a category that, you know,
- 8 suggests that there is some reason that they would
- 9 not be classified in category 4.
- 10 BY MR. ESFANDIARY:
- 11 Q So not classifiable, that includes
- 12 chemicals that have been found to have a cancer
- 13 risk. Is that your testimony, sir?
- MR. PARISER: Objection to form.
- 15 Misstates testimony.
- THE WITNESS: No. Something that is in
- 17 category 3 is not in category 4. And category 4
- is the only category that refers to not
- 19 carcinogenic.
- 20 BY MR. ESFANDIARY:
- 21 Q That wasn't my question, sir.
- My question was, is it your testimony
- that something classified in category 3 indicates
- 24 a cancer risk?
- MR. PARISER: Objection, argumentative.

- 1 Asked and answered.
- THE WITNESS: I don't think -- I don't
- 3 have the familiarity to understand exactly what
- 4 the criteria are for category 3. But looking at
- 5 the classification system here on the page, there
- 6 is -- there is only one substance that is in
- 7 group 4, which is the only category that is
- 8 probably not carcinogenic.
- 9 BY MR. ESFANDIARY:
- 10 Q So Monsanto is okay making
- 11 representations about IARC's classification system
- 12 without being fully familiar as to what each of
- those categories entail?
- MR. PARISER: Same objections.
- THE WITNESS: No, that's not -- that's
- 16 not what I was implying. I have -- I have
- 17 colleagues, scientific colleagues who do have much
- 18 more familiarity with the classifications and how
- 19 substances are classified there. I was simply
- saying that I, in my role, don't have total
- 21 familiarity with those -- with those criteria.
- 22 BY MR. ESFANDIARY:
- Q Well, you testified earlier that you
- 24 knew Mr. Partridge's statement to be true,
- 25 correct?

- 1 A Yes, that I was aware that only one
- 2 substance had been -- had been classified in
- 3 group 4.
- 4 Q And you represented that you thought the
- 5 statement to be true, whilst at the same time
- 6 professing that you're not exactly clear on what
- 7 each of the categories of classification used by
- 8 IARC actually entails, correct?
- 9 MR. PARISER: Objection, scope.
- 10 Argumentative.
- THE WITNESS: No, I'm saying that my
- understanding is the statement was true, in that
- 13 Mr. Partridge was making the statement that of all
- of the substances and activities that IARC has
- classified, only one of them is in group 4. That
- is consistent with my understanding. I am not,
- 17 however, intimately familiar with the specific
- 18 criteria behind classification in each of the
- 19 categories.
- 20 BY MR. ESFANDIARY:
- 21 Q So you're not intimately familiar
- enough, in order to respond accurately to a
- 23 statement that, in all other instances, IARC has
- found a cancer risk associated with a chemical,
- 25 correct?

- - 1 MR. PARISER: Objection to form.
- THE WITNESS: No. I am comfortable in
- 3 saying that of all of the substances that IARC has
- 4 classified, which is about 1,200, there is only
- one that has been classified in group 4, which is
- 6 probably not carcinogenic to humans.
- 7 BY MR. ESFANDIARY:
- 8 Q Regardless of your understanding of what
- 9 group 3 actually means, correct?
- MR. PARISER: Objection to form.
- 11 Objection to scope.
- THE WITNESS: Yes, because, again, it's
- very clear that there is only one substance in
- 14 group 4.
- 15 BY MR. ESFANDIARY:
- Now, the e-mail between Mr. Bennett and
- 17 Monsanto was sent back in September of 2018,
- 18 correct?
- 19 A Yes.
- 20 Q Are you familiar with the case of
- Johnson versus Monsanto?
- 22 A Yes, sir.
- 23 Q Are you aware that the jury in Johnson
- versus Monsanto awarded the plaintiff 280 million
- in damages --

1 MR. PARISER: Objection. 2 BY MR. ESFANDIARY: 3 -- as a result of exposure -- injuries 4 arising from exposure to Roundup? 5 MR. PARISER: Objection. This is 6 outside the scope. 7 THE WITNESS: I -- it is my 8 understanding that the jury awarded that level of 9 damages, and subsequently, it was reduced by -- by 10 the judge. 11 BY MR. ESFANDIARY: 12 Do you know how much it was reduced to? Q I believe it was about 90 million. 13 Α 14 It was 78. 0 15 Α Okay. 16 And do you know when the jury verdict Q was handed down? 17 18 Α I believe it was back in August. 19 Q Now, please turn your attention back to 20 Monsanto's statement in Bennett's article. 21 this article was published after the Johnson 22 verdict, correct? 23 Yes. It appears this article was 24 published on October 23rd. 25 In the paragraph where Mr. Partridge --Q

- 1 let's see -- I'm sorry, turn your attention to the
- 2 e-mail that Mr. Bennett sent.
- 3 A Okay.
- 4 Q Oh, actually, sorry. No, in the article
- just above the paragraph, it's on page 4, where
- 6 Mr. Partridge talks about a number of chemicals
- 7 classified by IARC. He says, "'Look back at 40
- years of safe glyphosate use, and there are no
- 9 lawsuits like this until the IARC report, which
- was based on no testing, no lab work, just opinion
- that glyphosate is probably a carcinogen. Thus
- manipulation and cherry-picking of data,' says
- 13 Scott Partridge."
- Do you see that?
- 15 A I do.
- 16 Q Sir, has the EPA ever conducted a lab
- test on glyphosate?
- MR. PARISER: Objection to scope and
- 19 foundation.
- THE WITNESS: No, those -- the
- laboratory tests are conducted by registrants or
- 22 by contract labs on behalf of registrants,
- companies like Monsanto, that produce glyphosate.
- 24 And then those are submitted to the EPA.
- 25 BY MR. ESFANDIARY:

- 1 O Has the BfR ever done a lab test on
- 2 glyphosate?
- MR. PARISER: Same objections.
- 4 THE WITNESS: No. My understanding
- 5 there is the same, that, you know, those tests are
- 6 done and submitted to the agencies for review. I
- 7 do think in the case of IARC, my understanding is
- 8 that many of those tests were not considered
- 9 because they are not published in openly available
- 10 literature.
- 11 BY MR. ESFANDIARY:
- 12 Q Are you aware that the summary of those
- 13 tests is published in an article titled Grime,
- 14 et al., 2015?
- MR. PARISER: Objection.
- THE WITNESS: Yes, I am.
- 17 BY MR. ESFANDIARY:
- 18 Q Are you aware that IARC reviewed that
- 19 article and the underlying data that was presented
- in that article?
- MR. PARISER: Objection to scope and
- 22 form. And misstates facts.
- THE WITNESS: My understanding is that
- that information was made available to the working
- 25 group quite late, and that much of that data was

- 1 not thoroughly examined by the IARC working group.
- 2 BY MR. ESFANDIARY:
- Q Do you have any basis to know how
- 4 thoroughly BfR has examined the underlying data?
- 5 A My -- my understanding is that agencies
- 6 like the BfR and the EPA review the data quite
- 7 rigorously.
- 8 Q And who told you that, sir?
- 9 A That would be through my conversations
- with Monsanto scientists, who are familiar with
- 11 the regulatory process.
- 12 Q You would defer to those scientists
- when it comes to the regulatory process, correct?
- 14 A Yes, in many cases -- if I had -- if I
- had a technical question about how that process
- worked, I would go to one of our scientists and
- 17 ask them to help me understand it.
- 18 Q But you agree that none of these
- 19 regulatory agencies actually, themselves, conduct
- lab tests on glyphosate, correct?
- MR. PARISER: Objection, scope and
- 22 foundation.
- THE WITNESS: No. My understanding is
- those tests are conducted by registrants or labs
- working on behalf of the registrants, according to

- 1 regulatory guidelines that have been submitted.
- 2 BY MR. ESFANDIARY:
- 3 Q So when Mr. Partridge says that IARC's
- 4 decision was based on no testing, no lab work,
- 5 that equally applies to the regulatory agencies,
- 6 correct?
- 7 A No. Because, again, here they -- the
- 8 IARC was looking at a subset of the data available
- 9 to the regulatory bodies. And their -- their
- 10 assessment was not as rigorous or complete as the
- assessment by EPA, or BfR, or the other agencies.
- 12 Q That was not my question, sir.
- My question was, Mr. Partridge's
- 14 statement that IARC's decision was based on no lab
- work, that applies equally to the regulatory
- 16 agencies, correct?
- 17 A Yes, a regulatory agency would rely on
- 18 lab work that is done by a registrant, according
- 19 to regulatory standards and submitted to them.
- 20 Q So my question to you, is,
- 21 Mr. Partridge's statement that IARC's opinion that
- glyphosate is probably a carcinogen, that wasn't
- based on lab work, that equally applies to
- regulatory agencies, correct?
- MR. PARISER: Objection to form.

- 1 THE WITNESS: Again, I -- my
- 2 understanding is that, in the case of a regulatory
- 3 agency, they do rely on lab work that is submitted
- 4 by a registrant. And they looked at -- and EPA or
- 5 BfR looks at substantially more data than IARC
- 6 would have considered.
- 7 BY MR. ESFANDIARY:
- 8 Q Again, the BfR or EPA, though, does not
- 9 conduct a lab test, correct?
- 10 A That is my understanding.
- 11 Q So Mr. Partridge's statement, the IARC's
- 12 classification was based on no testing, no lab
- work, that applies to the regulatory agencies,
- 14 such as the EPA, correct?
- 15 A Yes, the EPA would not conduct its own
- 16 laboratory testing.
- 17 Q Thank you.
- 18 Is it fair to say that you coordinated
- much of Monsanto's response to the IARC
- 20 classification of glyphosate?
- MR. PARISER: Objection to form.
- THE WITNESS: It would be -- excuse me,
- 23 it would be fair to say, I coordinated much of our
- media or public affairs response. There were
- certainly other people involved in other aspects

1 of that work. 2 BY MR. ESFANDIARY: But you were heavily involved in aspects 3 4 of that work, correct? 5 MR. PARISER: Objection to form, vaque. 6 THE WITNESS: Again, as --7 BY MR. ESFANDIARY: 8 Counsel is right. That was a poor 0 9 question. 10 Your -- a large part of your 11 responsibilities at Monsanto involved media response to the 2015 IARC classification of 12 13 glyphosate, correct? 14 Yes. Α Okay. I'd like to -- and you're aware 15 0 16 that IARC announced its classification of 17 glyphosate in March of 2015, correct? 18 Α Yes. 19 And the Lancet article that was Q 20 published carrying the initial IARC announcement 21 of the classification of glyphosate was about 22 March 20th, 2015? 23 Α Yes. 24 I'd like to go back to early 2015, 25 before IARC had classified glyphosate.

- - I'm going to -- well, before I get
  - there, did Monsanto have a plan in place for
  - 3 responding to the IARC classification before the
  - 4 agency announced its classification in March?
  - MR. PARISER: Objection to form, vague,
  - 6 outside the scope.
  - 7 THE WITNESS: Yes, I had colleagues
  - 8 within our corporate engagement group, who were
  - 9 developing a communications plan to respond once
- 10 the IARC opinion became public.
- 11 BY MR. ESFANDIARY:
- 12 Q Before Monsanto knows what the
- 13 classification is, correct?
- MR. PARISER: Same objection.
- THE WITNESS: Correct. We were -- we
- were aware that the working group meeting had been
- scheduled, and so we're developing plans for
- 18 several -- several scenarios.
- MR. ESFANDIARY: I'd like to mark as
- 20 exhibit number -- No. 7.
- 21 (Murphey Exhibit No. 7 was marked
- for identification.)
- 23 BY MR. ESFANDIARY:
- Q There you are, sir. That's Exhibit
- No. 7 to your deposition.

- 1 MR. ESFANDIARY: And a copy for counsel.
- 2 There you are.
- 3 BY MR. ESFANDIARY:
- 4 Q And this is an e-mail with an
- 5 accompanying attachment sent by Kimberly Link to
- 6 JD Dobson, on February 27, 2015.
- 7 That's about, oh, less than a month or
- 8 so before the IARC announced its classification,
- 9 correct?
- 10 A Yes. If you would give me just a
- 11 minute -- since I'm not on this e-mail --
- 12 Q Sure.
- 13 A -- I'd just like to read it all.
- 14 (Peruses document.)
- 15 Q And whilst you're doing that, I'm just
- 16 going to read in the Bates number of the document
- 17 is MONGLY04773726.
- 18 A Okay.
- 19 Q Do you recall seeing these e-mails and
- the attachment?
- A No. Again, I'm not on this e-mail. So
- I did not receive -- receive this, or review this
- e-mail. I'm aware that there was a plan developed
- that contained many of these parts. I don't know
- 25 that I ever saw this specific version of the plan.

- 1 Q But you are able to competently testify
- 2 about Monsanto's media response to the IARC
- 3 decision, correct?
- 4 A Yes.
- 5 MR. PARISER: Objection to -- you need
- 6 to give me a little bit of time to object.
- 7 THE WITNESS: I do. Sorry.
- 8 BY MR. ESFANDIARY:
- 9 Does this document appear to have been
- 10 created in the ordinary course of Monsanto's
- 11 business?
- MR. PARISER: Object to form and
- 13 foundation. And, Counsel, I don't believe
- 14 activities prior to the IARC classification are
- within the scope of the 30(b)(6) notice, but the
- witness can answer, to the extent he knows, in his
- 17 personal capacity.
- MR. ESFANDIARY: He is going to testify
- 19 about Monsanto's positions on the IARC's response
- related to the classification of glyphosate,
- whether that's before or after the classification.
- MR. PARISER: I'm going to maintain my
- objection, but he can answer, to the extent he's
- able to.
- MR. ESFANDIARY: We'll see what the

- - 1 judge has to say.
- 2 BY MR. ESFANDIARY:
- Q All right. Mr. Murphey, does this
- 4 appear to have been created in the ordinary course
- of Monsanto's business?
- 6 MR. PARISER: Same objection.
- 7 THE WITNESS: Yes.
- 8 MR. ESFANDIARY: I'm going to move this
- 9 document into evidence as well.
- 10 BY MR. ESFANDIARY:
- 11 Q Now, what does Ms. Kimberly Link do at
- 12 Monsanto, sir?
- 13 A Ms. Link is -- is no longer an employee
- of the company. At the time, she was a member of
- the team within the corporate engagement group
- 16 that was preparing for the IARC working group
- announcement.
- 18 Q So she was part of your corporate
- 19 engagement team, correct?
- 20 A Yes. She didn't report to me. But,
- yeah, she was a part of the same corporate
- 22 engagement team.
- 23 Q And she sends an e-mail to JD Dobson at
- JDDobson@Fleishman.com. Is that referring to
- FleishmanHillard, sir?

- 1 A Yes.
- 2 Q And we'll get to FleishmanHillard in
- just a little bit, but could you just give a brief
- 4 explanation as to what FleishmanHillard does?
- 5 A FleishmanHillard is a public affairs
- 6 consultancy. And they work with a number of
- 7 clients, such as -- such as Monsanto, on
- 8 activities involving media relations, digital or
- 9 social media, stakeholder engagement, and things
- of that sort.
- 11 Q And on the first page of this document,
- 12 Ms. Link says, "I just spoke with Kelly. Here is
- our final draft plan." Do you see that?
- 14 A I do.
- 15 Q And attached is the final draft plan.
- 16 If you turn to the first page of the attachment,
- 17 it is titled Monsanto Response Plan to IARC
- 18 Decision, correct?
- 19 A Yes.
- 20 Q And if you look down to the subsection
- titled, Media, in the second paragraph, it says,
- "Monsanto should be prepared with reactive
- statements responding to a 3 finding, not
- classifiable as to carcinogenicity to humans, by
- far the most common IARC ruling at 506 out of 978

- - 1 agents categorized."
  - Do you see that, sir?
  - A I do see that written there.
- 4 Q So I'm just going to stop there.
- 5 Monsanto was internally aware that the majority of
- 6 IARC's classifications are in group 3 of
- 7 non-classifiable, correct?
- 8 MR. PARISER: Objection to form, and
- <sup>9</sup> foundation, and scope.
- THE WITNESS: Yes, we were aware that
- there were a significant number of items that had
- been included in category 3.
- 13 BY MR. ESFANDIARY:
- 14 Q And Mr. Partridge didn't report to the
- media in his statement that the most common IARC
- 16 classifications fell in group 3, correct?
- MR. PARISER: Objection. Counsel, we've
- been over this line of questioning again and again
- 19 and again. Asked and answered.
- THE WITNESS: No. Mr. Partridge made
- 21 the point that of the 1,200 or so items that IARC
- has classified, only one is in category 4.
- 23 BY MR. ESFANDIARY:
- Q And all the others indicate a cancer
- 25 risk?

1 MR. PARISER: Same objections. 2 BY MR. ESFANDIARY: 3 Q Correct? 4 Α That all the others are in a category 5 other than category 4. He didn't say that, though, did he? 6 7 MR. PARISER: Objection, asked and 8 answered numerous times. Counsel, we've been 9 through this again and again. BY MR. ESFANDIARY: 10 11 Mr. Partridge says that all but one. 0 12 MR. PARISER: This is getting to be --13 this is getting to be harassment. 14 BY MR. ESFANDIARY: 15 Correct? 0 16 He said all but one are not in Α 17 category 4. 18 And if you turn to the next page of the 19 attachment there, under subsection social/digital, 20 three paragraphs down, it says, "Monsanto, as a leading manufacturer of glyphosate, as a company 21 22 with reputation challenges, will have a very 23 limited credibility when speaking on the topic of 24 glyphosate safety." 25 Do you see that, sir?

- 1 A I do see that written there.
- Q Does Monsanto perceive itself to have
- 3 limited credibility when responding to the IARC
- 4 classification?
- 5 MR. PARISER: Objection to form, and
- 6 scope.
- 7 THE WITNESS: No. I think -- I think
- 8 the context here is important. And, you know,
- 9 what Ms. Link was saying in this document was
- 10 that, you know, Monsanto was aware that it could
- 11 be a highly polarizing, you know, company. And
- that it can evoke strong emotions in public
- 13 conversations. And we just needed to keep that in
- 14 mind.
- I certainly think when it comes to our
- scientists and their understanding of the safety
- and the research that supports the safe use of
- 18 glyphosate, we have -- we have a tremendous amount
- of credibility. I just think Ms. Link was saying,
- we need to keep kind of the overarching context of
- 21 Monsanto's reputation in mind as this plan was
- developed.
- 23 BY MR. ESFANDIARY:
- Q Ms. Link says that Monsanto "will have
- very limited credibility when speaking on the

- topic of glyphosate safety, " correct?
- 2 A That is what she or someone appears to
- 3 have written there.
- 4 Q What are some of the reputation
- 5 challenges facing Monsanto?
- 6 MR. PARISER: Objection to scope and
- <sup>7</sup> form, vague.
- 8 THE WITNESS: I think, you know, in the
- 9 current social climate, people have a fair number
- of questions about where their food comes, and how
- 11 it's produced. And in that context, things like
- genetically modified organisms, or you know,
- modified genetically seeds, in the case of our
- 14 company, have evoked a lot of questions and
- emotional responses from people.
- And for quite a while, I think Monsanto
- did not do enough to engage in those conversation,
- and to help people understand the importance and
- 19 the benefits and the safety of those -- of those
- technologies. And I think that, over time,
- created a reputational challenge that Monsanto was
- working to address.
- 23 BY MR. ESFANDIARY:
- Q Would some of the reputational
- challenges involve Monsanto's manufacture of PCBs?

- 1 MR. PARISER: Objection to scope.
- THE WITNESS: That was a -- PCBs were a
- 3 product of the former Monsanto Company. But, yes,
- 4 on occasion, we would continue to receive --
- 5 receive questions or see coverage in the media
- 6 about the connection between the former Monsanto
- 7 Company and PCBs.
- 8 BY MR. ESFANDIARY:
- 9 Q Would Monsanto's reputational challenges
- involve the manufacture of Agent Orange used in
- 11 the Vietnam War?
- MR. PARISER: Objection to form.
- THE WITNESS: Again, that was a product
- of the former Monsanto Company, but we would
- occasionally receive questions about the former
- 16 Monsanto's involvement in the production of Agent
- Orange, and we would work to provide accurate
- 18 information about that.
- 19 BY MR. ESFANDIARY:
- 20 You agree that Monsanto has been
- 21 Monsanto since the early 20th Century, correct,
- 22 sir?
- 23 A The name "Monsanto" has -- has been the
- same. The -- the structure and the ownership of
- the company has changed over time, as well as the

- 1 company's business. You know, the Monsanto for
- the last 20 years of its existence was an
- 3 agricultural company that did not produce the same
- 4 type of chemical products that the former company
- 5 did.
- 6 Q Part of that reason being that Roundup
- 7 was hugely successful financially for Monsanto,
- 8 correct?
- 9 MR. PARISER: Objection to scope, and
- 10 form, foundation.
- 11 THE WITNESS: I mean, Roundup was
- 12 transformative for the company and for -- and for
- agriculture, because of its -- because of its many
- 14 benefits for our -- for our customers. And so
- certainly for the -- for the Monsanto agricultural
- 16 company, Roundup was a very -- a very important
- 17 product.
- 18 BY MR. ESFANDIARY:
- 19 Q Take a look at the first page of the
- 20 attachment there, under the main heading. It
- 21 says, "On mainstream media, social media, and
- employee communications, we recommend an approach
- that seeks to include Monsanto's voice in the
- conversation about IARC and glyphosate, but as
- much as possible, defer to other positive voices

- from industry, academia, and elsewhere."
- Do you see that, sir?
- A I do see that.
- 4 Q Does Monsanto prefer to defer to
- 5 third-party voices when responding to the IARC
- 6 classification, because of the company's
- 7 reputational problems?
- 8 A No, I think it largely depends on
- 9 context. Monsanto certainly expressed its views
- 10 about the IARC opinion in a -- in a number of
- 11 forums. We felt very strongly that the IARC
- opinion was incorrect, and was an outlier from the
- conclusions of the EPA, and EFSA, and regulatory
- 14 bodies around the world.
- And so we were very forthright in our
- 16 statement about -- about our opinions, and about
- 17 the science. You know, we certainly did reach out
- 18 to others who care about glyphosate, whether
- 19 that's in academia, or within agriculture, to
- 20 inform them about the classification. We were
- 21 pleased to see that many of them shared our
- concerns, and raised their voices as well. But
- we -- we certainly did not defer to them
- 24 exclusively. We were very forthright with our
- views.

- 1 Q Ms. Link says that Monsanto should be
- deferring to these third parties as much as
- possible, correct?
- 4 MR. PARISER: Objection, Foundation,
- 5 scope.
- 6 THE WITNESS: That's -- that's what's
- 7 written in in this particular document.
- 8 BY MR. ESFANDIARY:
- 9 Q So Monsanto's -- part of Monsanto's
- 10 plan, in responding to IARC, was to get its
- 11 messages -- get Monsanto's messages regarding the
- 12 IARC classification out there, but ideally, at an
- arm's-length from Monsanto, correct?
- MR. PARISER: Objection to form.
- THE WITNESS: That's what's written
- in -- you know, in this document, as much as -- as
- 17 much as possible. This -- this document is a
- 18 reflection of the view -- views of one plan at one
- 19 point in time.
- As we moved forward, after the IARC
- 21 classification, again, we were very forthright in
- 22 engaging with agriculture groups, engaging with
- reporters, engaging on social media, to share --
- to share the company's views. We -- you know, we
- 25 kept our -- we kept agriculture groups and others

- informed. We were pleased that many of them
- 2 continued to speak out as well about what they saw
- 3 as an inaccurate classification. But Monsanto was
- 4 always very, again, I'll just -- very forthright
- 5 in sharing our views about the classification.
- 6 BY MR. ESFANDIARY:
- 7 Q Let me just break that down a little
- 8 bit. In the first part of your answer, you
- 9 mentioned that this is just an initial plan, and
- 10 this was generated before the IARC classification.
- 11 I'd just like to turn your attention to
- 12 Ms. Link's second sentence there. She says, "Best
- case scenario is that these other voices take on
- 14 the bulk of the communication about IARC and
- 15 glyphosate."
- So Monsanto's ultimate goal was to
- ensure that the majority of its messaging
- 18 regarding IARC was issued through the third
- 19 parties, correct?
- MR. PARISER: Objection to scope, form,
- 21 and foundation.
- THE WITNESS: Again, that's what's
- written in one plan at one point in time.
- 24 BY MR. ESFANDIARY:

<del>- 1 - 1</del> - - - 1 - - -

Q Do you have any reason to believe that

- 1 Monsanto did not try to achieve this goal?
- 2 A I think, over the -- over the course of
- 3 time, we took a very proactive stance in our -- in
- 4 our communications about the -- about the IARC
- opinion. Again, other organizations certainly
- 6 weighed in as well. But we -- we were
- 7 deliberately very proactive in defending the
- 8 safety and the benefits of our product. We're
- 9 very proud of Roundup, and its history of safe
- 10 use. And we were very proactive in communicating
- and sharing information about that.
- 12 Q Right. In an effort to live up to
- Monsanto's pride of Roundup, would it be important
- 14 for the company to defend the product, ideally,
- through third parties, so as such not to raise
- some of these reputational challenges identified
- by Ms. Link in this plan, correct?
- MR. PARISER: Objection to form.
- THE WITNESS: No, I -- I don't agree
- with that characterization. Third-party
- engagement was an element in the plan. But
- Monsanto did take, and continues to take, a very
- front-footed position in helping engage with
- reporters, stakeholders, and society at large, to
- explain our views about the safety of the product.

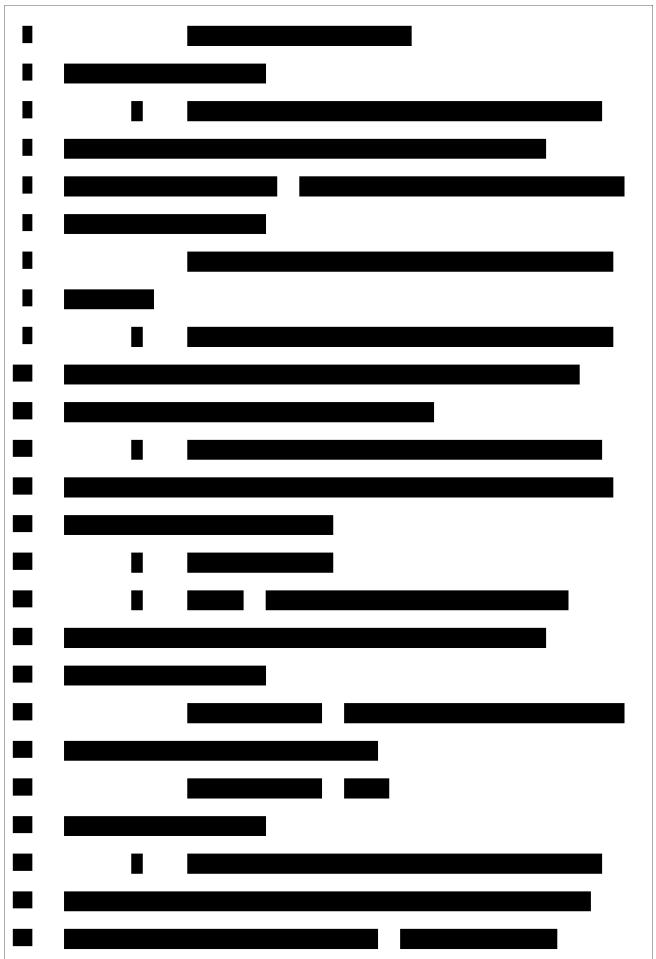
1 BY MR. ESFANDIARY: 2 Now, at the time of generating this 3 response plan, Monsanto had not yet read the IARC 4 monograph on glyphosate, correct? 5 That's correct. And that's why you'll Α 6 see multiple scenarios in the -- in the document. 7 If you turn to page 5 of the attachment, Q 8 there is an anticipated timeline subsection there. And below the anticipated -- anticipated timeline, 10 it says, "February 27th," and that's, again, 11 before the IARC monograph, correct? 12 Α Correct. 13 It says, "Henry Miller Forbes piece is 0 14 published. Monsanto amplifies via third-party 15 channels." Do you see that, sir? 16 I do. Α 17 Do you know who Henry Miller is? 0 18 Α I do. 19 Q Have you worked with him? 20 I've never personally directly met Α 21 Dr. Miller, no. 22 You've e-mailed him, though, correct? Q 23 Α No. 24 Have you sent e-mails to your colleagues 0 25 at Monsanto that you then expected or understood

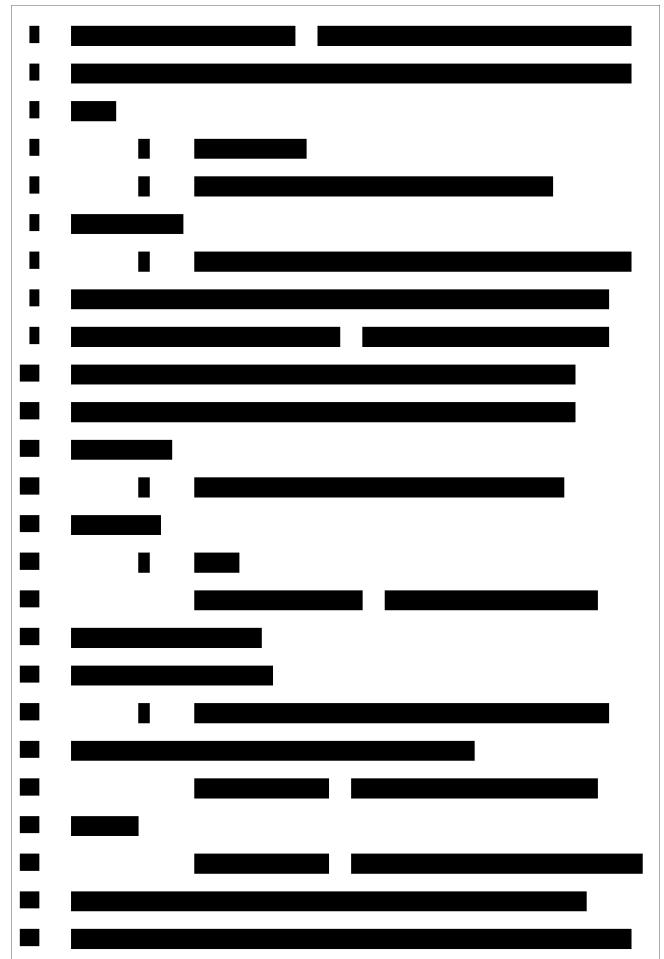
- - 1 to be forwarded to Mr. Miller?
  - 2 A Yes.
  - Q Did Monsanto coordinate with Mr. Miller
  - 4 in publishing an article on IARC before the
  - 5 decision?
- 6 MR. PARISER: Objection to scope,
- 7 foundation.
- 8 THE WITNESS: That is listed here in the
- 9 anticipated timeline. I don't recall whether
- there was a piece specifically prior to the
- 11 classification announcement or not.
- 12 BY MR. ESFANDIARY:
- Q Are you aware that Mr. Miller's
- 14 articles, though published on Forbes' website,
- have been retracted by the -- by the journal?
- MR. PARISER: Objection to form.
- 17 THE WITNESS: I -- I understand that the
- 18 pieces have been taken down. I think we need to
- 19 be clear about what the Forbes website is. I
- wouldn't say -- it's not an academic journal, or a
- 21 scholarly journal. It's -- it's a website where
- Dr. Miller was an opinion contributor.
- 23 BY MR. ESFANDIARY:
- Q Do you -- are you aware that Forbes'
- reason for pulling down Dr. Miller's articles was

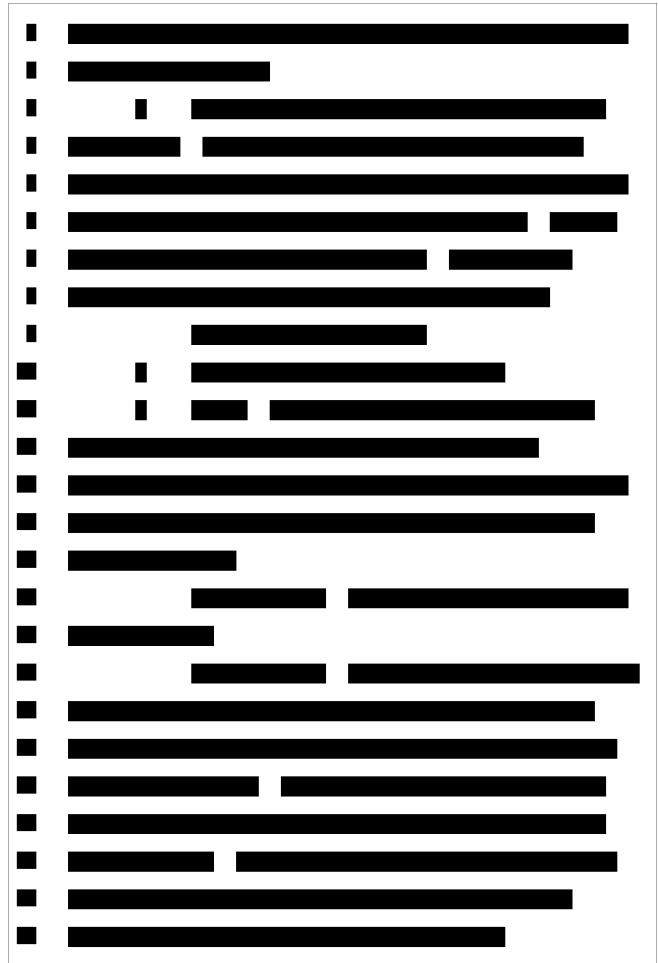
- 1 undisclosed conflict of interest with Monsanto
- 2 Company?
- MR. PARISER: Object to the scope of all
- 4 this questioning, and foundation.
- 5 THE WITNESS: I can't speak to the
- 6 specific -- the specific reasons given by Forbes,
- but again, I'm aware that the opinion pieces were
- 8 taken down.
- 9 BY MR. ESFANDIARY:
- 10 Q All right. If you turn back to -- turn
- 11 back a page to page 4. I'm sorry, I know the
- pages aren't numbered. It's a bit tricky.
- 13 A It's okay.
- 14 Q In the paragraph -- the second paragraph
- down from the top, "GMO answers and
- 16 Discover.Monsanto.com, " it says, "Canned text
- 17 responses should be developed in advance for
- 18 responding to questions specifically about IARC's
- 19 ruling." Do you see that, sir?
- 20 A I do.
- 21 Q So in advance of IARC's ruling, Monsanto
- was -- had preprepared -- or it had canned
- 23 statements ready about the classification,
- 24 correct?
- MR. PARISER: Objection to scope.

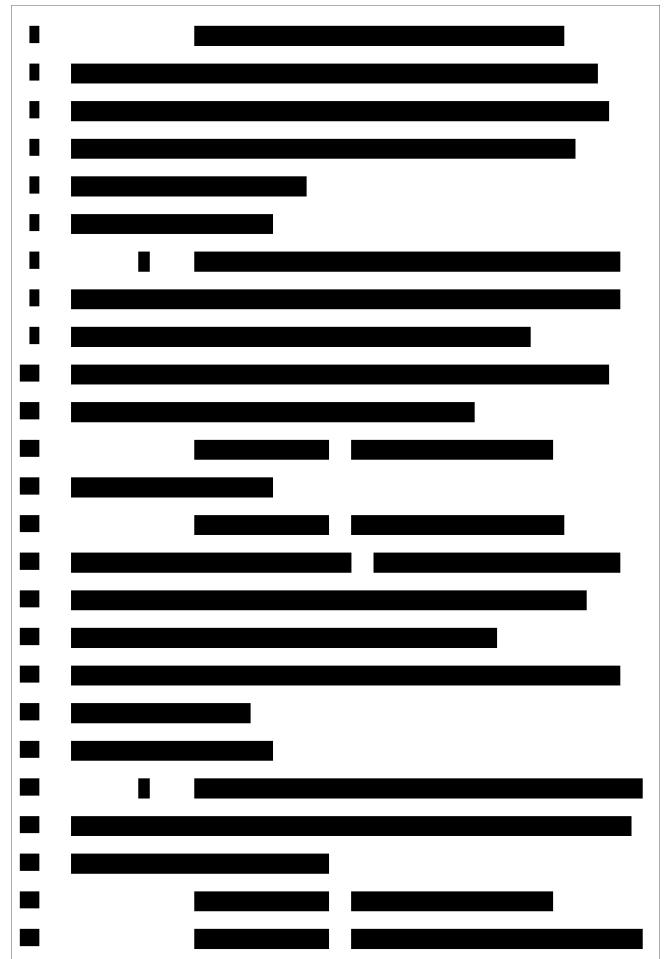
- 1 THE WITNESS: Within this context, I
- think, you know, that the plan is simply saying
- 3 that a template or draft responses should be --
- 4 should be prepared in advance. So whether it was
- on the Discover Monsanto website, or the GMO
- 6 Answers website, which is an industry website,
- 7 those statements could be prepared and ready to go
- 8 as quickly as possible.
- 9 BY MR. ESFANDIARY:
- 10 Q A canned response, though, is a type of
- 11 response that you would give to questions,
- 12 regardless of what the question is seeking to --
- seeking an answer to, correct? You're giving the
- same response?
- 15 A That's not my understanding of the word
- in this -- in this context.
- 17 Again, here, this is a preparedness
- 18 plan, talking about different -- different
- 19 channels that would be used at the time the
- opinion came out. And so I think, in this case,
- "canned" would mean more like a draft or
- 22 preprepared.
- 23 Q It doesn't say "draft," though, does it?
- 24 It says "canned."
- A And I'm just -- I'm explaining to you my

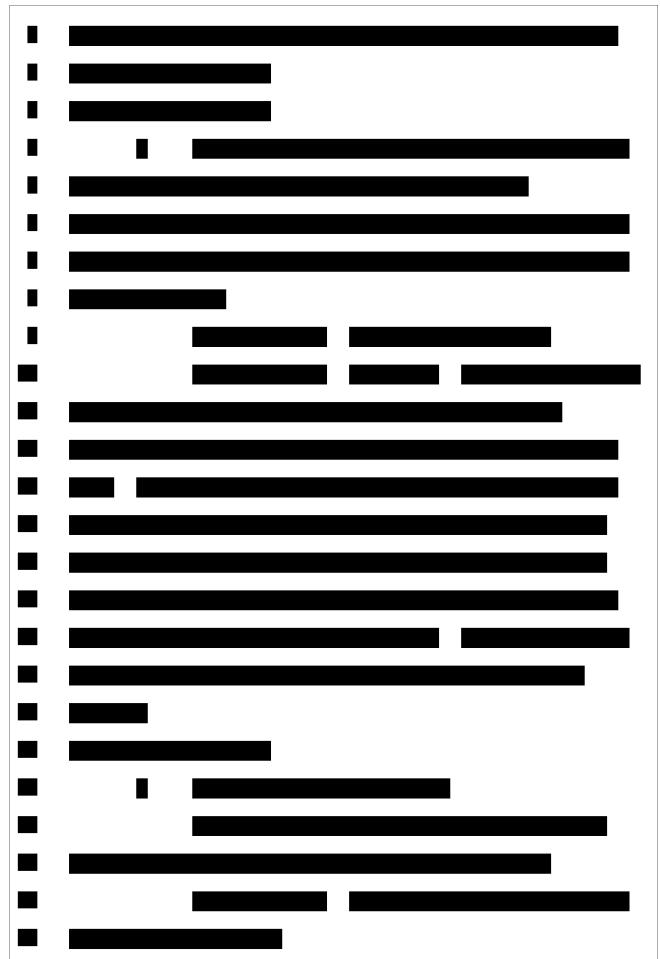
- 1 understanding, based on the context in this
- document, of what that word would mean.
- 3 Q You agree that the word "draft" could
- 4 have been used to explain the concept that you
- 5 just did in this document, correct?
- 6 MR. PARISER: Objection, scope,
- 7 foundation, argumentative.
- 8 THE WITNESS: Yes, in my understanding
- 9 of how the word is used here, "draft" would have
- been an alternative word that could have been
- 11 used.
- 12 BY MR. ESFANDIARY:
- Q Was it Monsanto's intention to
- orchestrate an outcry with the IARC decision?
- MR. PARISER: Objection to form and
- scope.
- 17 THE WITNESS: No, that's not how I would
- 18 characterize what our approach was at the time. I
- would say our approach would have been to inform
- stakeholders, to share information with them, to
- invite them, and encourage them even to speak out.
- I'm aware that that characterization has
- been used in certain documents, but it's not how I
- would characterize our approach.

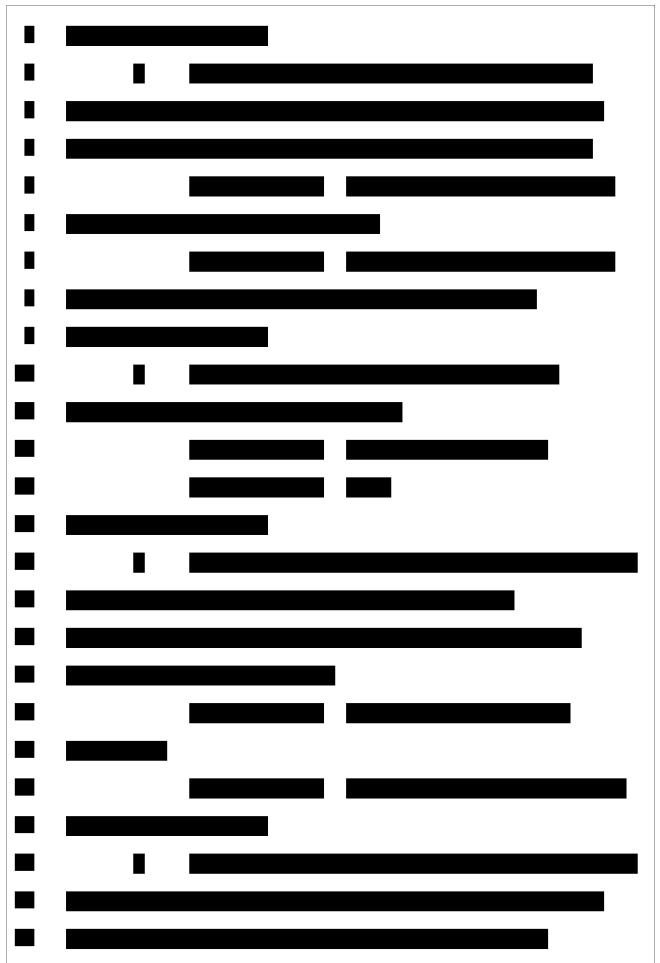


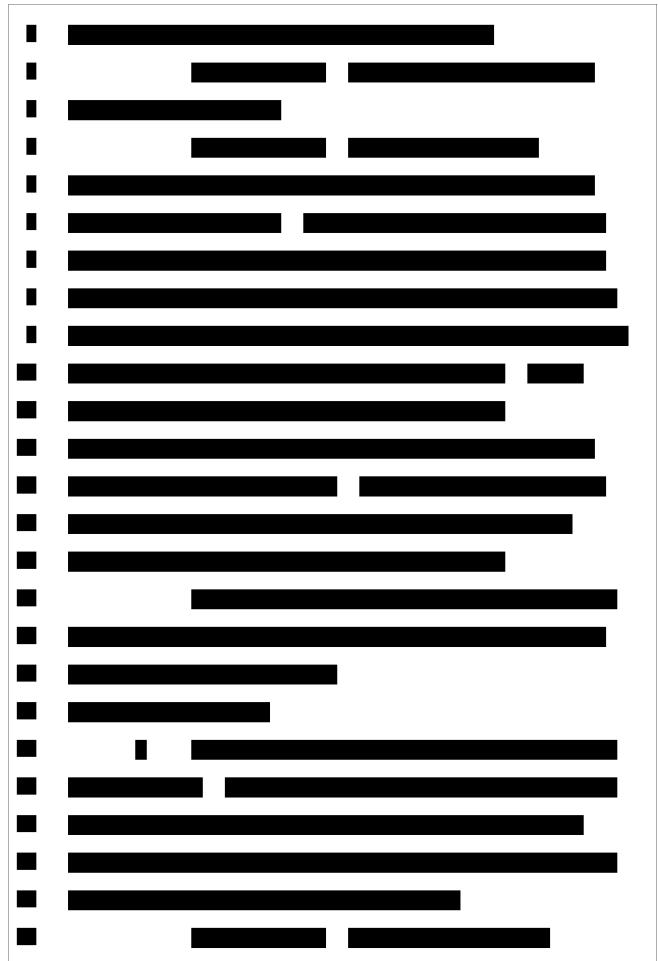


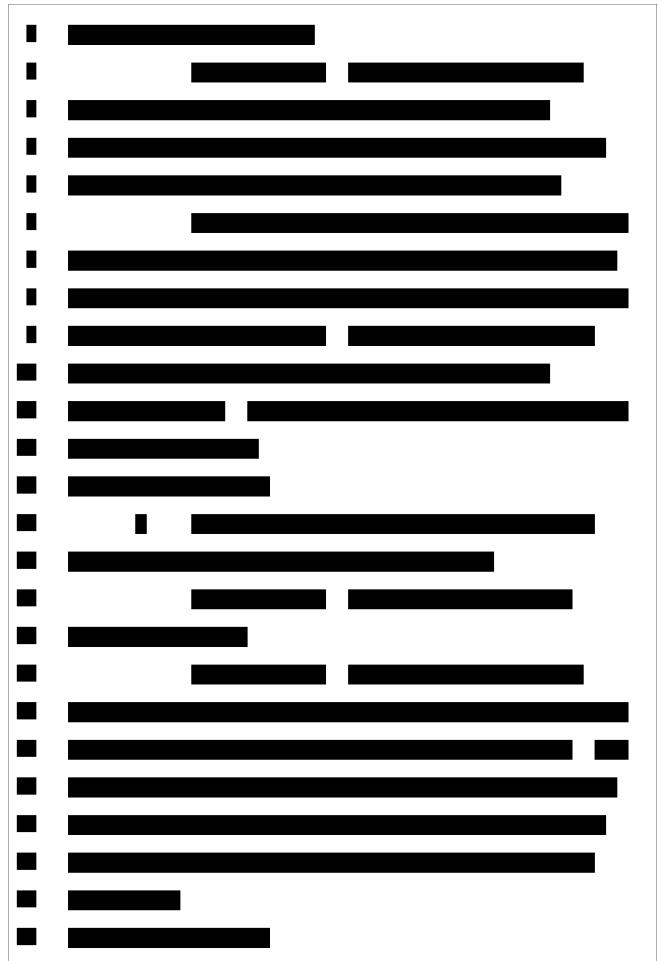


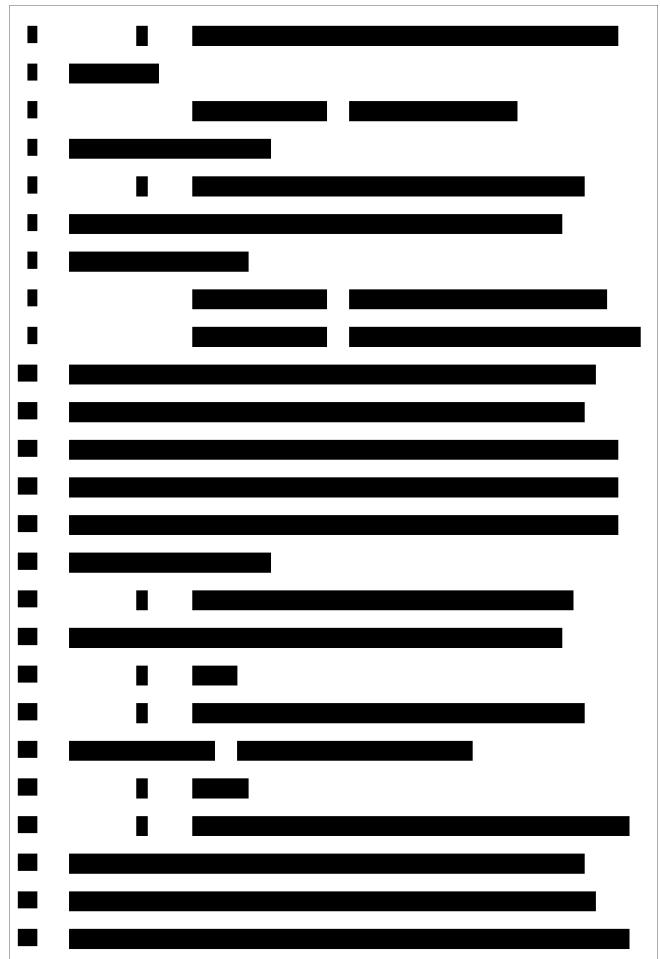


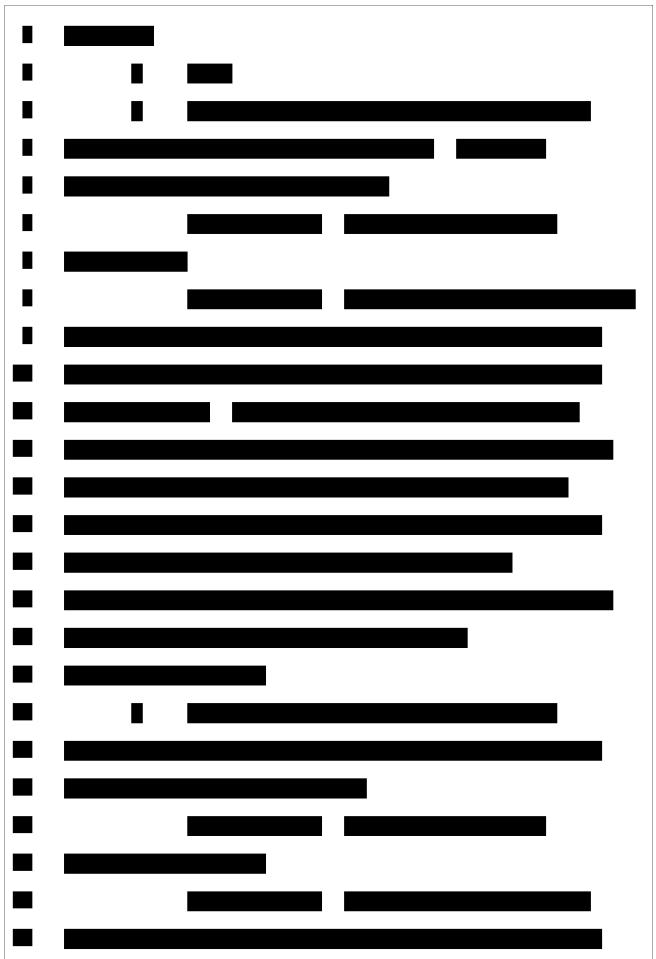


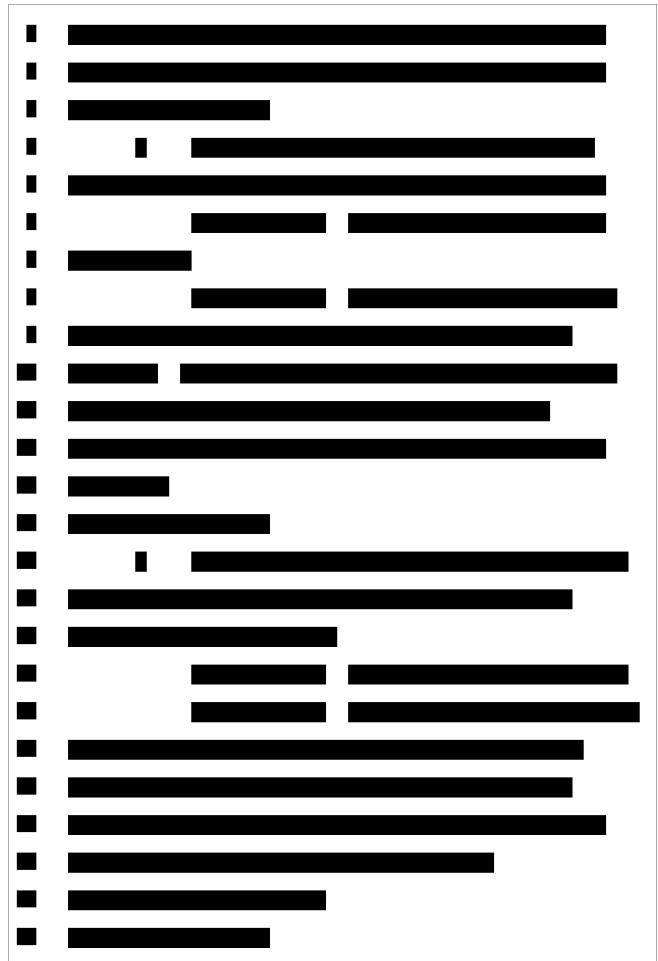


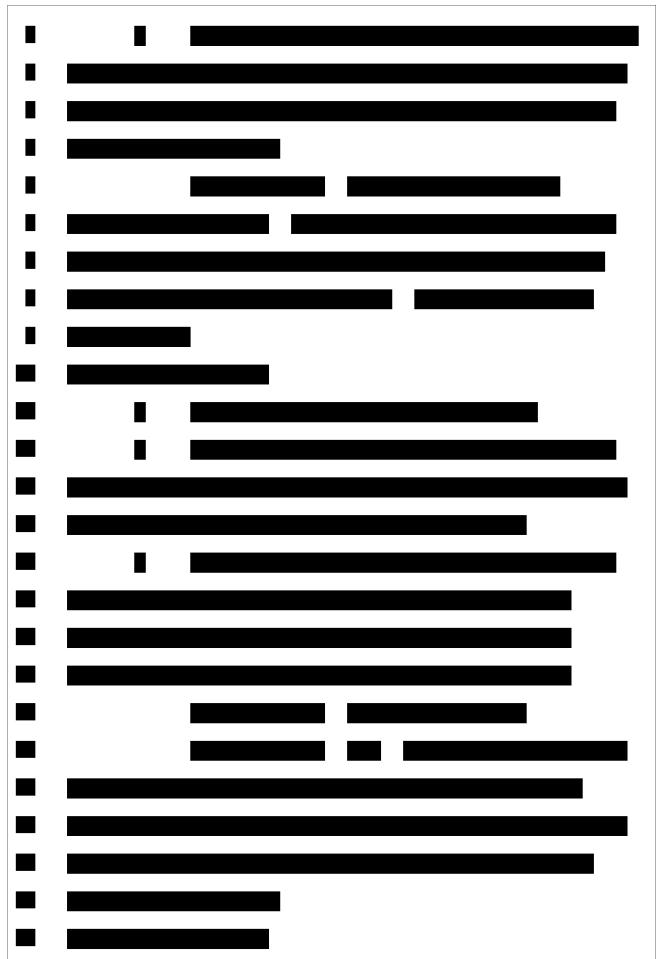


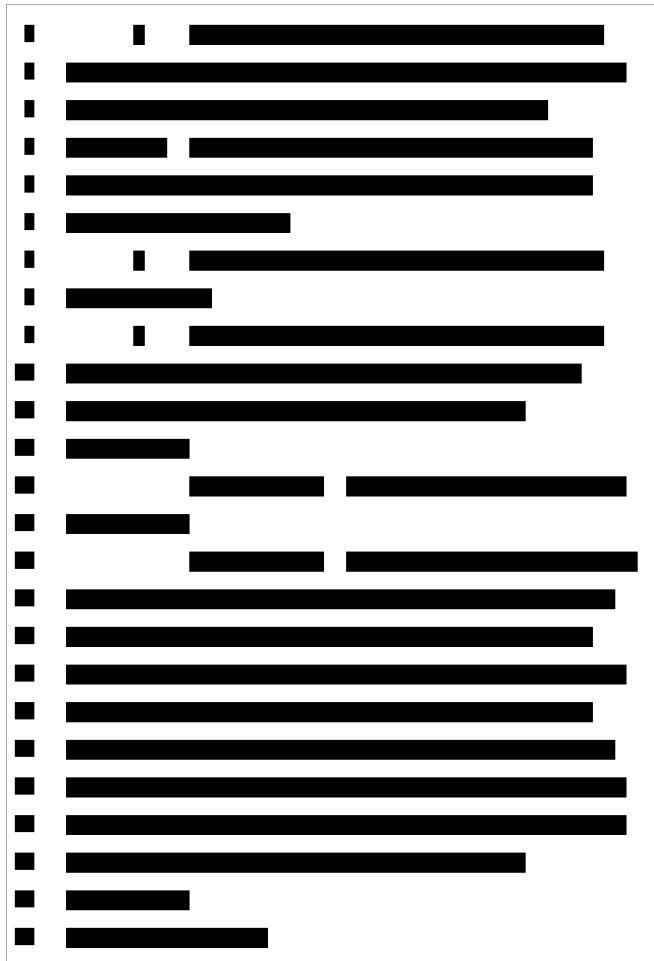


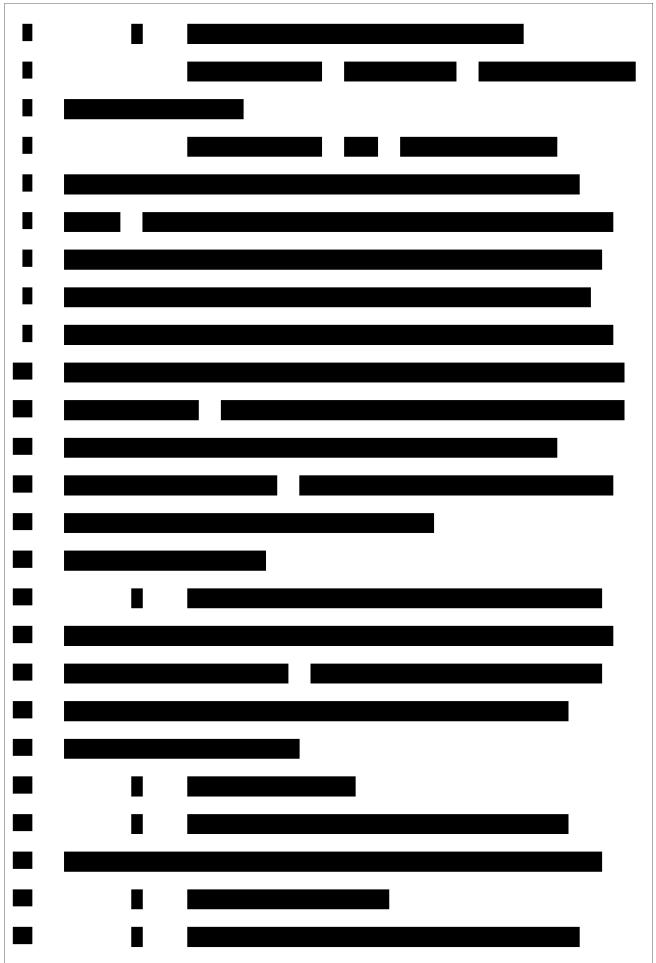


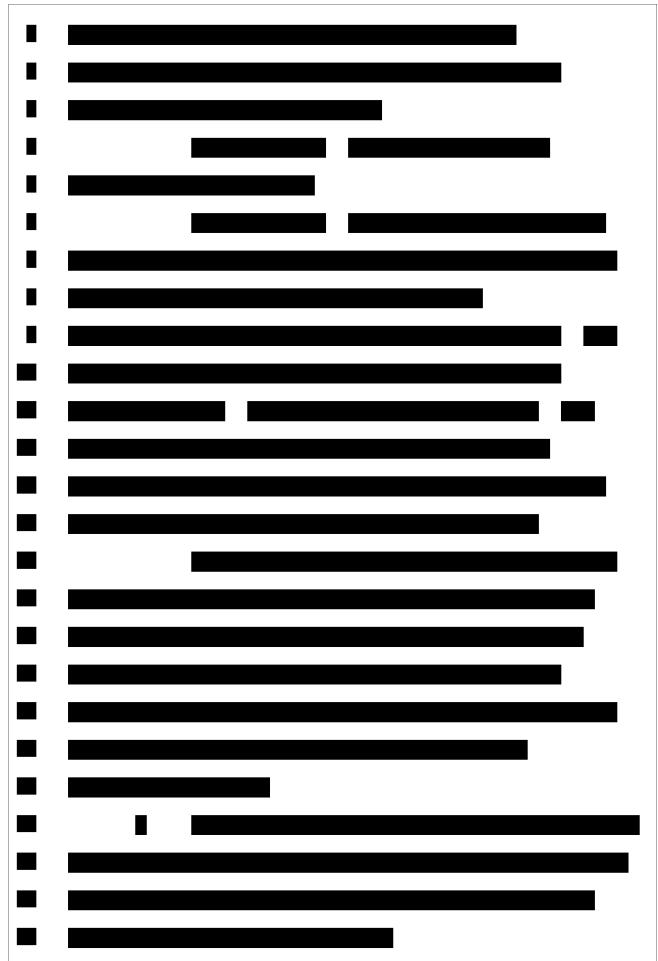


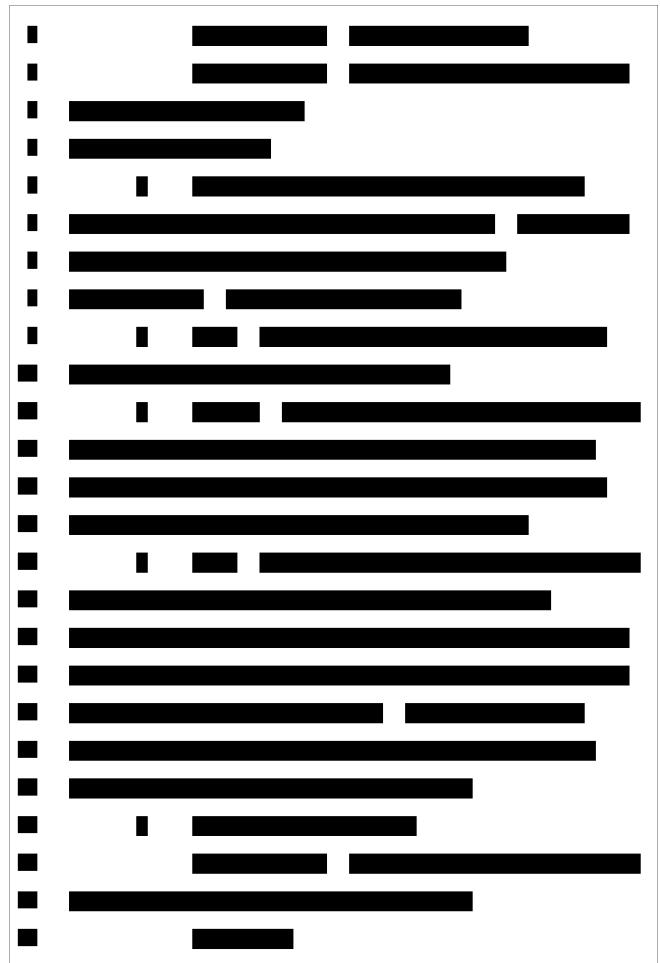


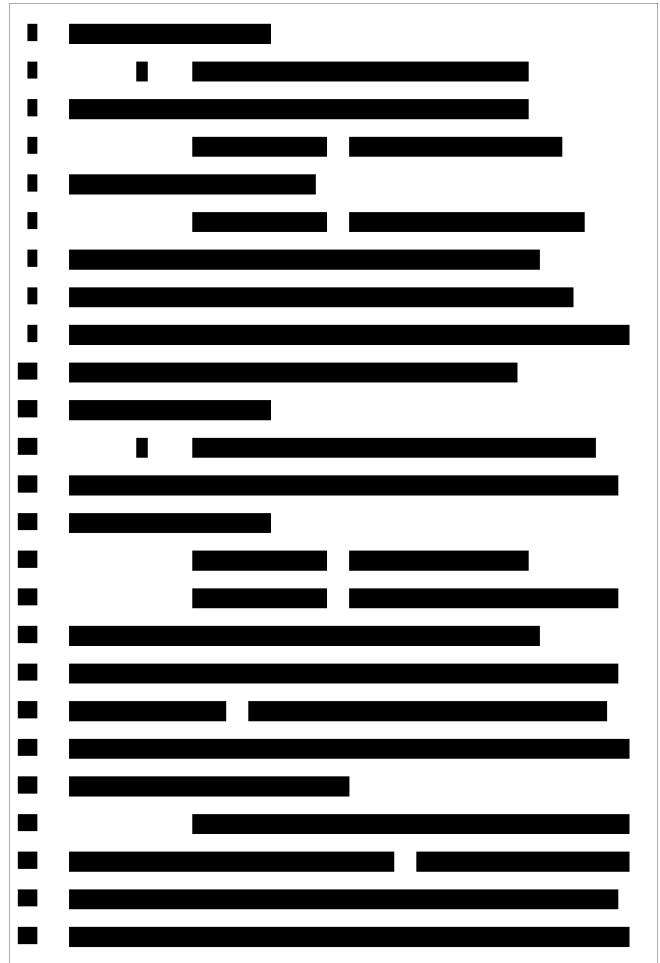


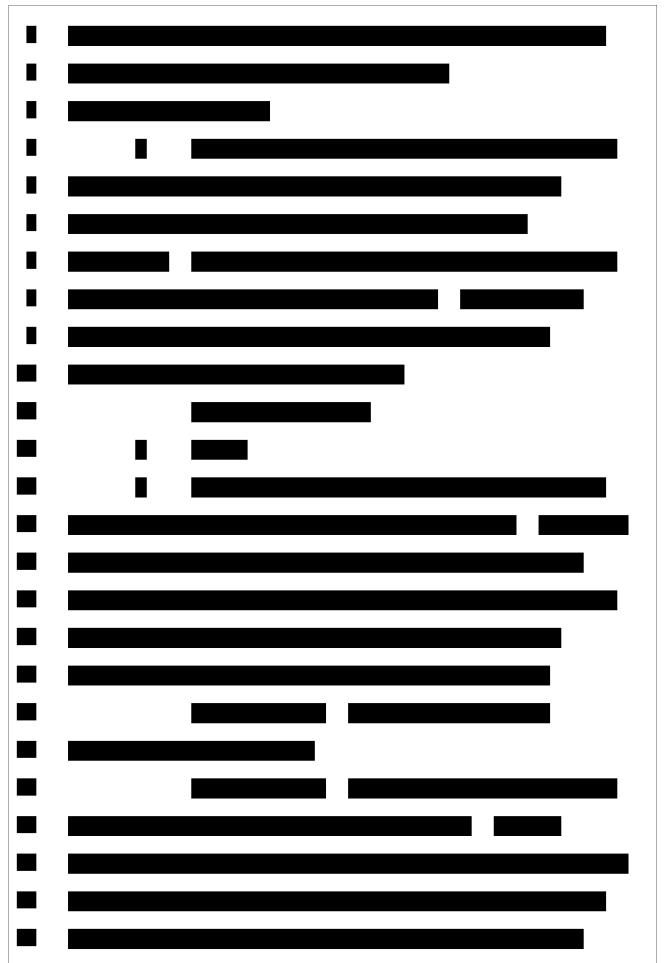


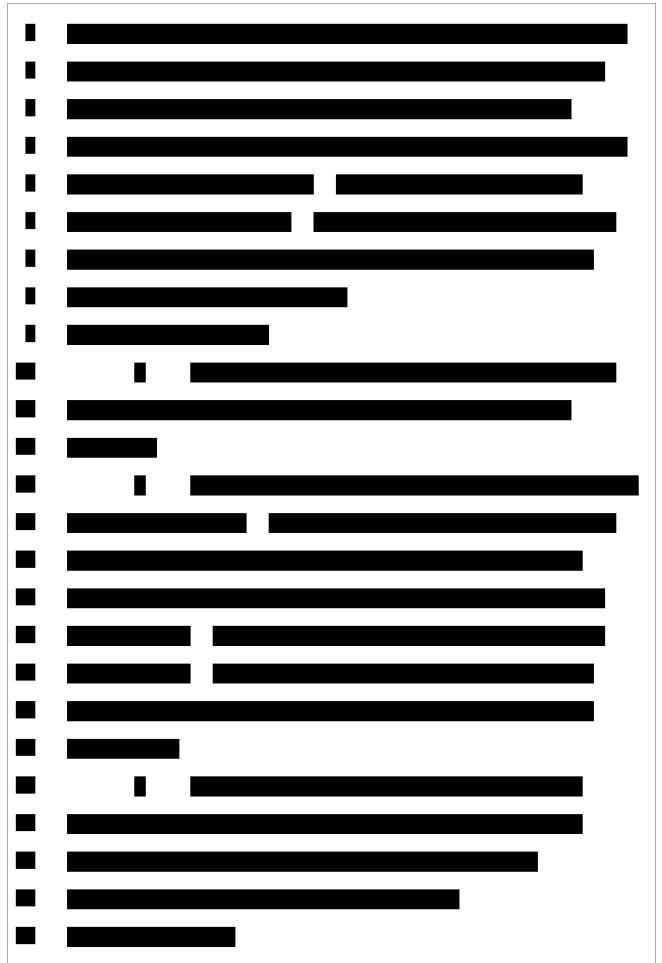


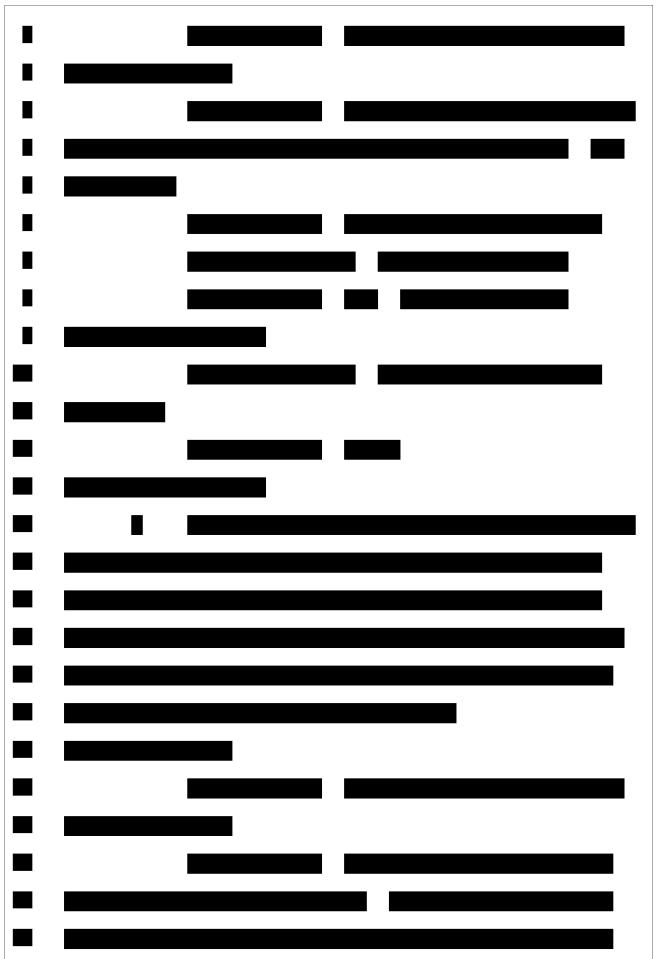


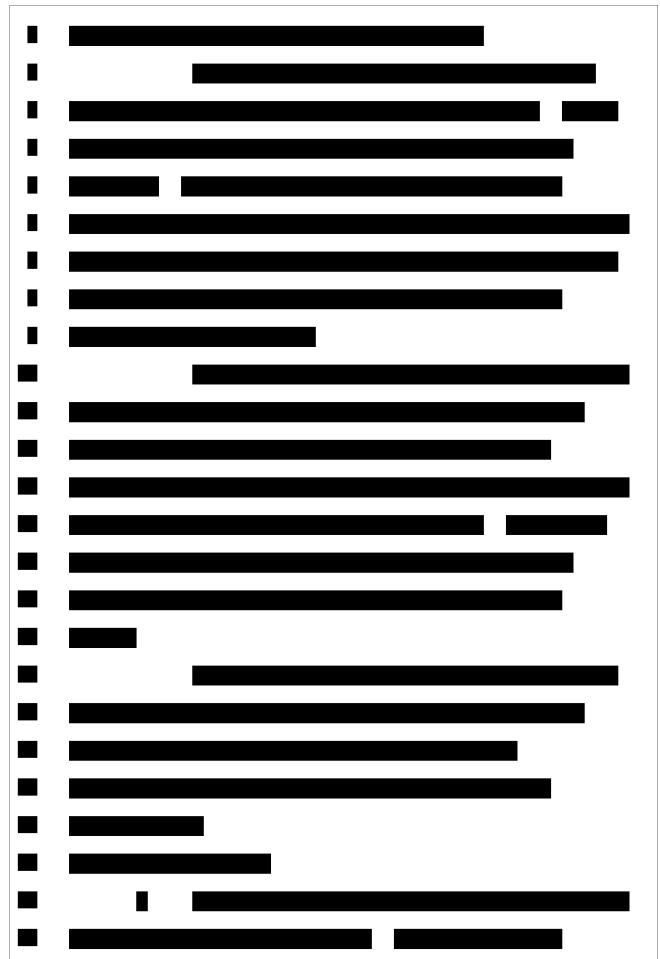


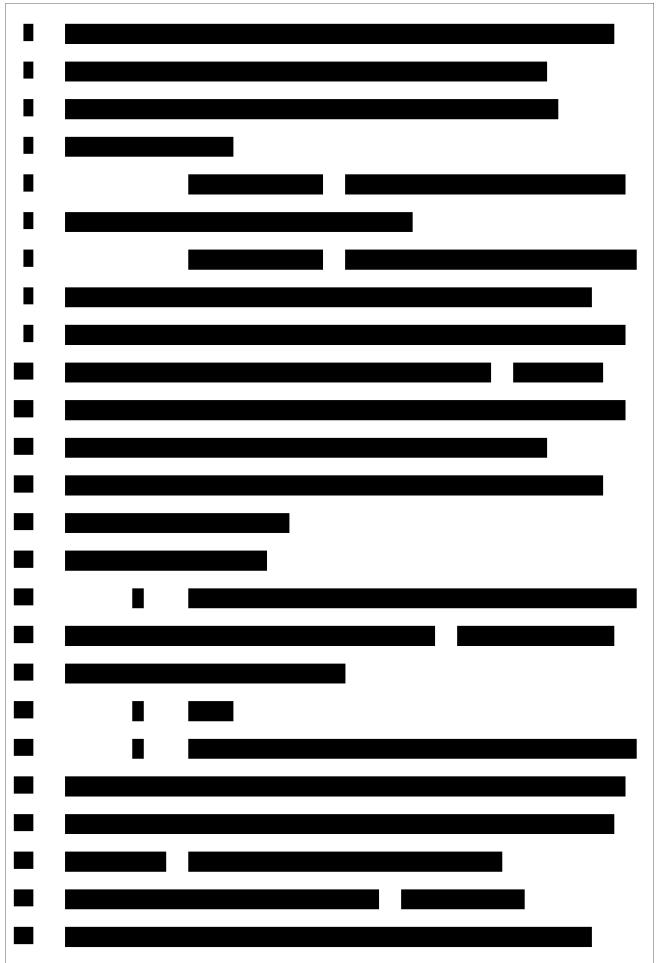


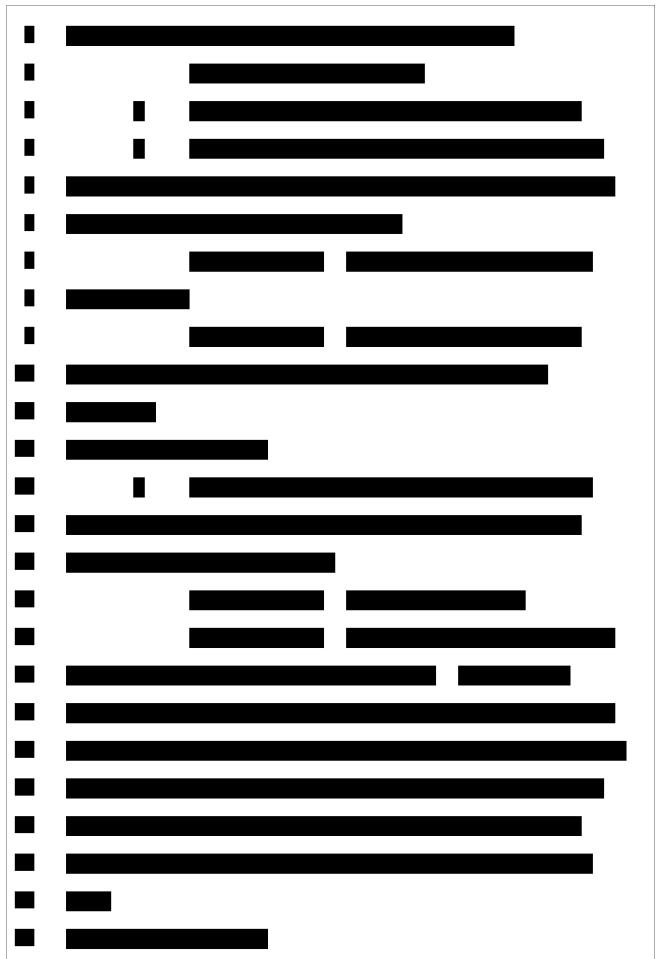


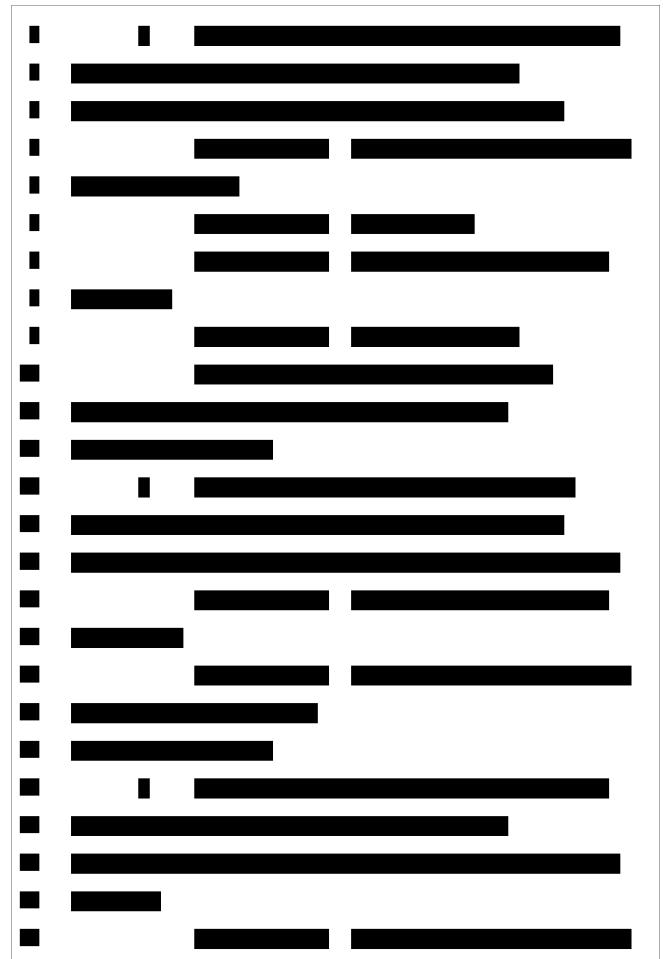


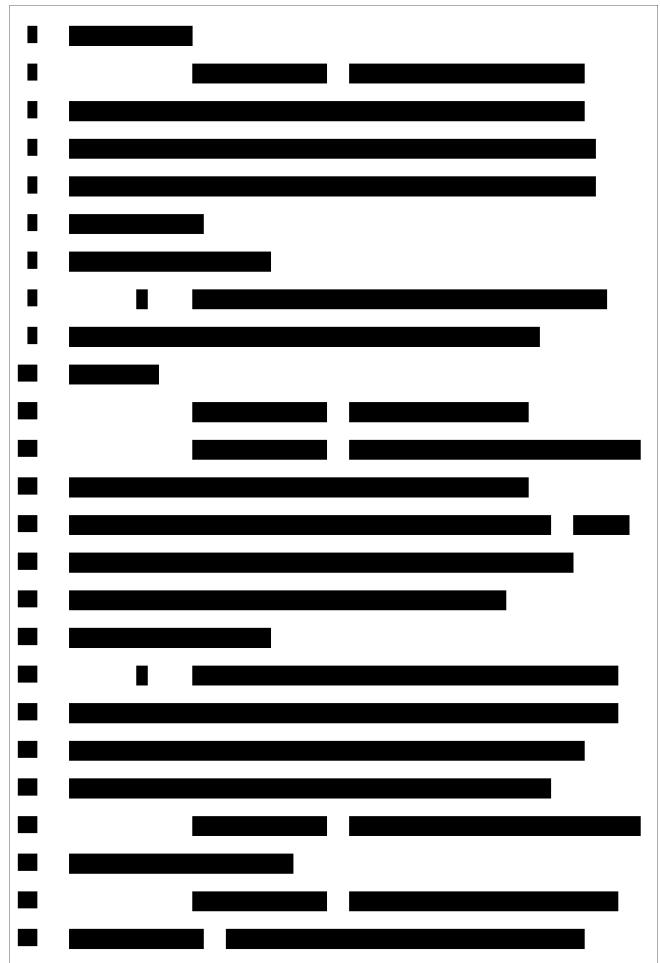


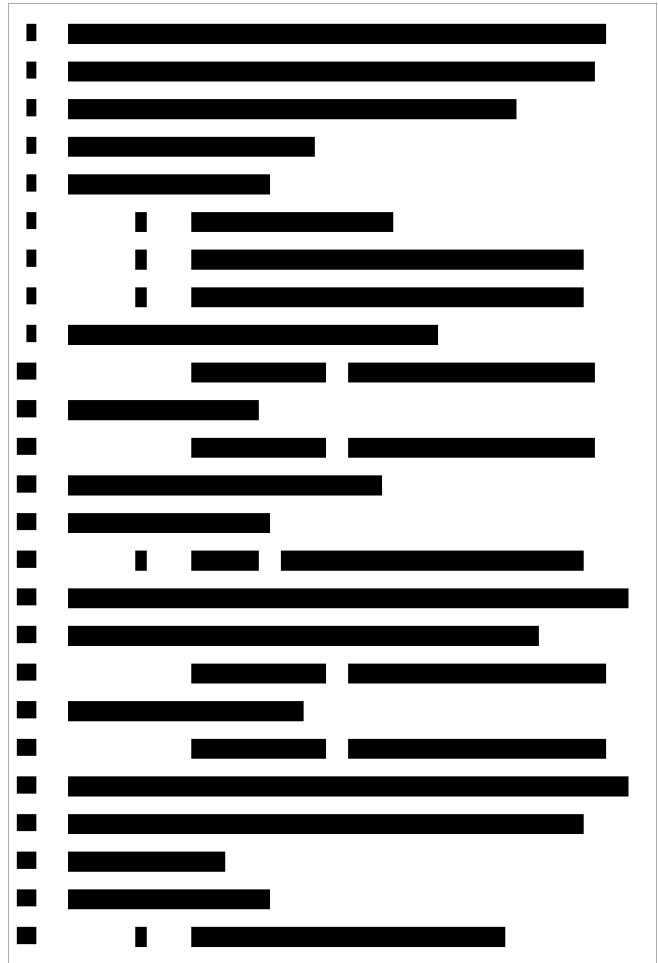


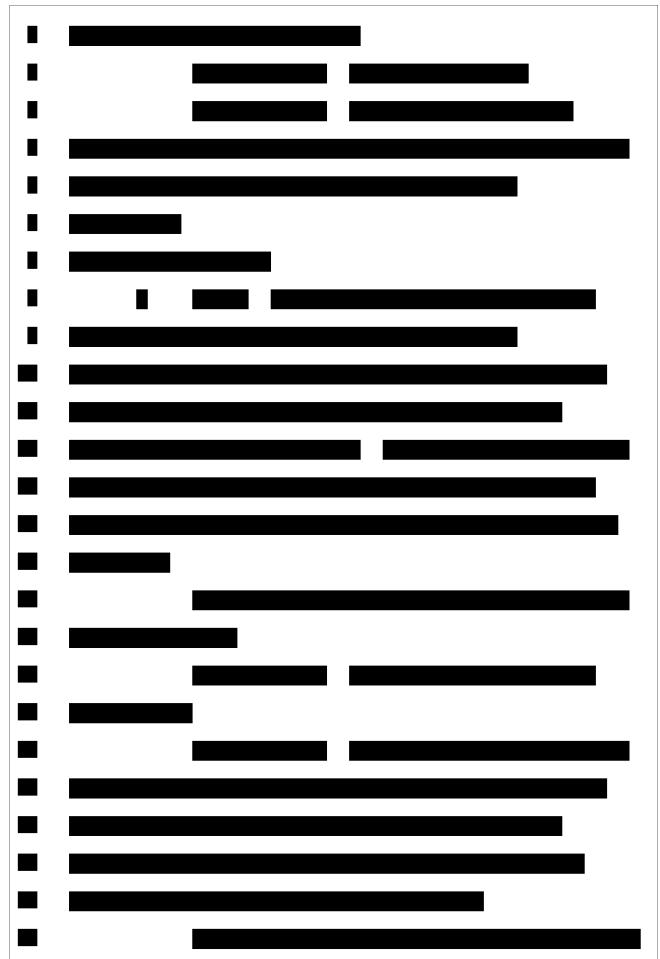


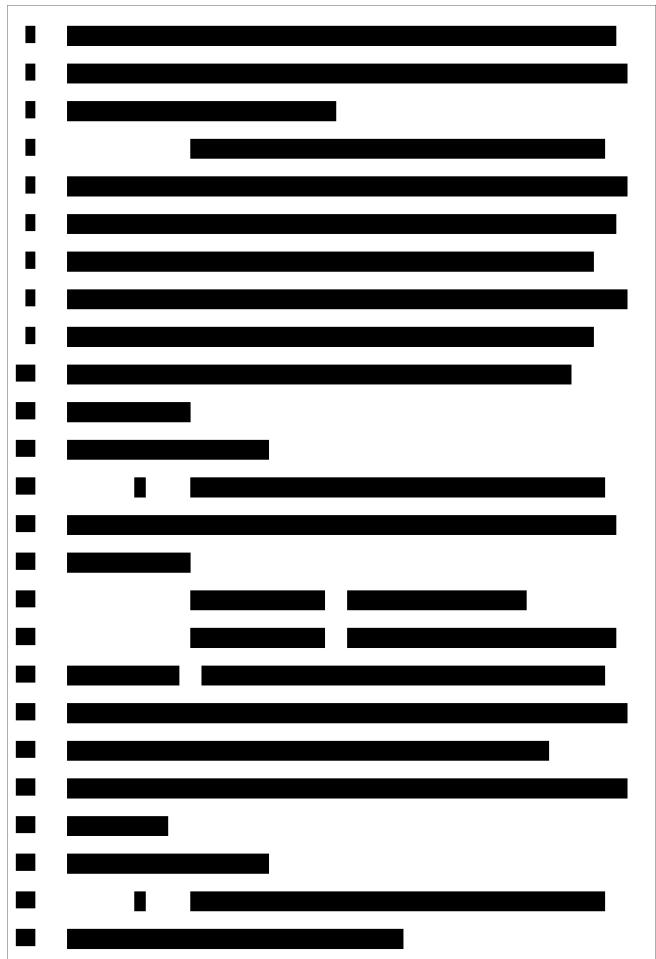


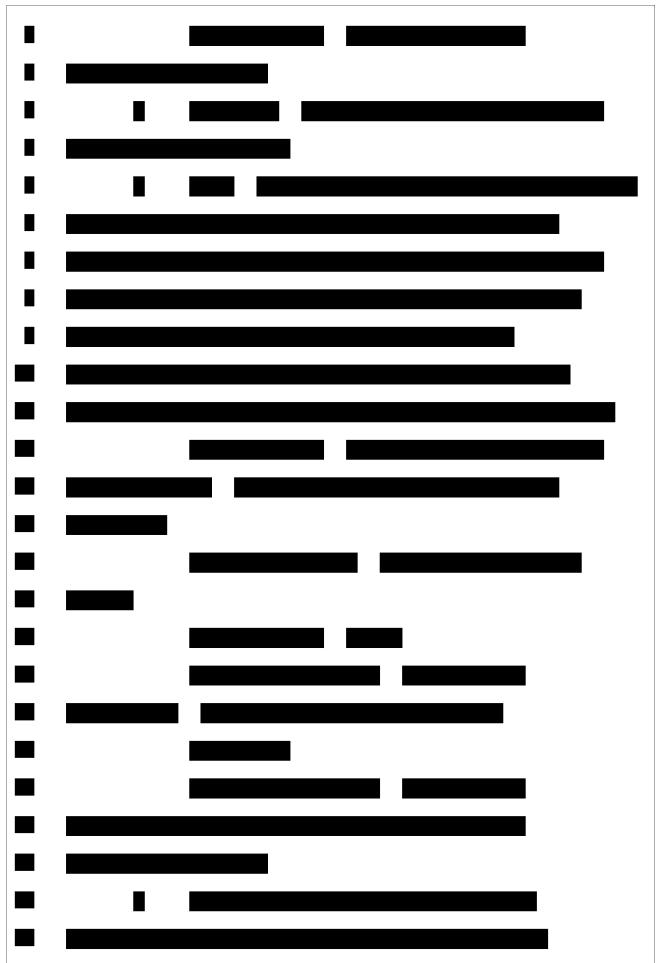


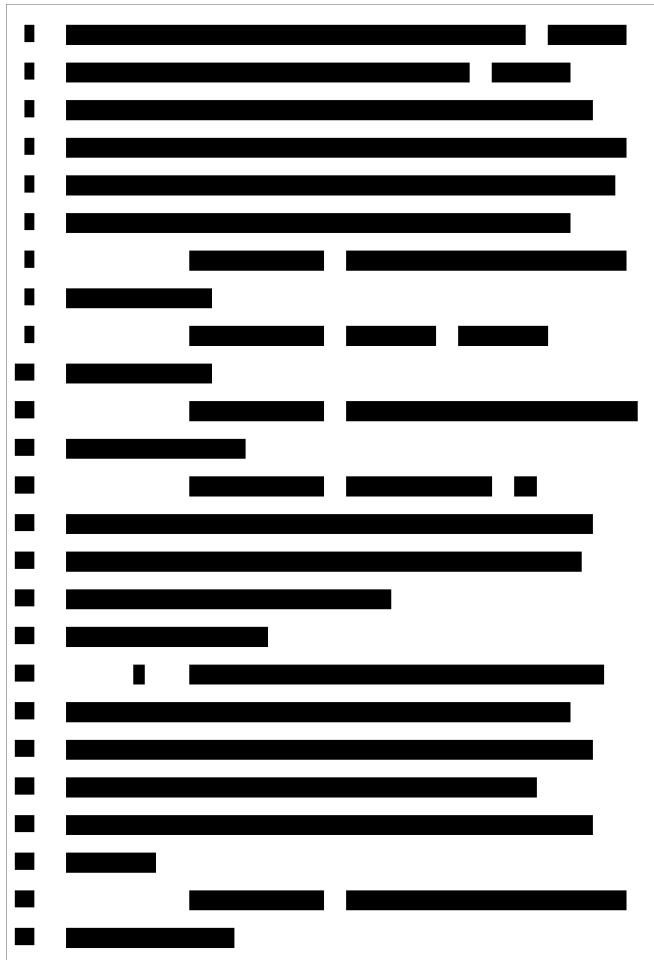


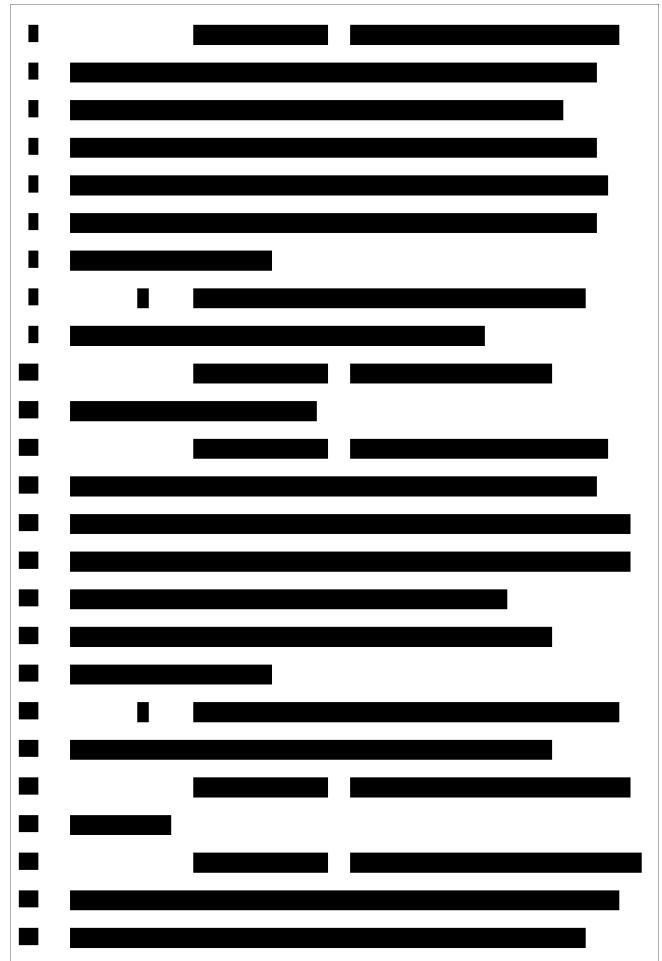












6 BY MR. ESFANDIARY: 7 So let's take a look at a document of 0 8 what Monsanto had to say before the lawsuit was 9 filed. 10 (Murphey Exhibit No. 9 was marked 11 for identification.) 12 BY MR. ESFANDIARY: 13 I want to mark as Exhibit No. 9 to your 14 deposition, sir --Now, this is a document produced by 15 16 Monsanto in this litigation. The Bates number is 17 MONGLY03316369. It's called "IARC Follow Up." 18 And if you turn to the metadata at the end of the 19 document, it identifies its date of creation as 20 July 6th, 2015. 21 Have you seen this document before, sir? 22 Α Let me just orient myself real quick. 23 (Peruses document.) 24 Yes, I've -- I've seen this document before. 25

- 1 Q Okay. Does it appear to have been
- 2 created in the ordinary course of Monsanto's
- 3 business?
- 4 MR. PARISER: Objection, foundation and
- 5 form.
- 6 THE WITNESS: Yes, I believe it was.
- 7 MR. ESFANDIARY: I'll move this into
- 8 evidence.
- 9 BY MR. ESFANDIARY:
- 10 Q Here it says, "goals." And number (d)
- 11 says, "Invalidate relevance of IARC." Do you see
- 12 that, sir?
- 13 A I -- I do see it written there.
- MR. PARISER: Objection, foundation.
- 15 BY MR. ESFANDIARY:
- 16 Q So in July of 2015, a couple of months
- 17 after IARC had announced its classification,
- 18 Monsanto's goal was to invalidate the relevance of
- 19 IARC, correct?
- MR. PARISER: Again, objection to scope,
- objection to form, objection to foundation.
- I'd also note, the document states that
- it's attorney work product, attorney-client
- 24 privilege. I don't know the full context of this
- document.

- 2 court.

1

MR. PARISER: Okay. Thank you for that

MR. ESFANDIARY: It was shown in open

- 4 clarification. This was an exhibit in the Johnson
- 5 case?
- 6 MR. ESFANDIARY: Yeah.
- 7 MR. PARISER: Thank you.
- 8 THE WITNESS: So I see the point written
- 9 there. I think the context around it is
- important, where it's talking about the
- 11 retraction -- you know, the need for retraction,
- 12 clarification, minimization, you know, preventing
- 13 future bad decisions on other -- on other
- 14 products. I think in that overarching context,
- that helps clarify what -- you know, what the
- 16 author of the document was suggesting.
- 17 BY MR. ESFANDIARY:
- 18 Q But at the time of when this document
- was created, after Monsanto finds out about the
- IARC decision, the company's plan was to eliminate
- or invalidate the relevance of IARC, correct?
- MR. PARISER: Objection, misstates
- evidence, form.
- THE WITNESS: No. I mean, we did -- we
- did ask, and have asked for the opinion to be --

- 2 know, retracted. We have raised questions, you
- 3 know, about how IARC arrived at a conclusion that

to be clarified. We've asked for it to be, you

- 4 is very inconsistent from regulatory bodies
- 5 around -- around the world. And I think that's
- 6 what's reflected by the overarching goal number 1
- 7 here.

1

- 8 BY MR. ESFANDIARY:
- 9 Q I understand that's the answer that
- 10 you're giving now. But internally, in July of
- 11 2015, Monsanto identifies as a goal, as the
- 12 company's goal, to invalidate the relevance of
- 13 IARC, correct?
- MR. PARISER: Same objections.
- THE WITNESS: That is -- that is written
- 16 here, among several other points.
- 17 BY MR. ESFANDIARY:
- 18 Q Including the one to retract the IARC
- 19 decision, correct?
- 20 A Yes.
- 21 Q Number 3 there at the bottom says,
- "Litigation prevention/defense." Do you see that,
- 23 sir?
- 24 A I do.
- Q Who is McClain?

- 1 Mr. McClain was part of the Monsanto law
- 2 department at this time.

Α

- 3 Now, would -- did Monsanto believe that
- invalidating the relevance of the IARC decision 4
- 5 would help with its litigation defense?
- MR. PARISER: Objection to scope, 6
- 7 objection to form, and -- to the extent he's
- 8 asking you about opinions with lawyers, or rather,
- 9 discussions with lawyers --
- 10 MR. ESFANDIARY: I'm not.
- 11 MR. PARISER: -- I'd instruct you not to
- 12 If you can answer the question without answer.
- 13 doing so, you may.
- 14 THE WITNESS: I do think that, you know,
- 15 Monsanto was aware at the time that litigation
- 16 was -- was likely. And so I think that's why that
- 17 was listed as a goal -- as a goal there.
- 18 know, as to whether, you know, the work around
- 19 retraction and clarification would be important to
- 20 the litigation, I don't think I'm competent to
- 21 answer that.
- 22 BY MR. ESFANDIARY:
- 23 Number 2 says, "Protect regulatory
- 24 freedom to operate." Do you see that?
- 25 Α I do.

- 1 Q And underneath that, it says,
- 2 "Re-registration. No ban/restrictions. Prop 65."
- 3 Are you familiar with Prop 65?
- 4 A I am.
- Do you understand Prop 65 to entail the
- 6 State of California's initiative to identify
- 7 glyphosate as a chemical known to the state to
- 8 cause cancer?
- 9 MR. PARISER: Objection to form, and
- this is outside the scope.
- 11 THE WITNESS: Yes. My -- my
- understanding is that, on the basis of the IARC
- opinion of glyphosate, the State of California
- proceeded to add glyphosate to its Proposition 65
- 15 list.
- 16 BY MR. ESFANDIARY:
- 17 Q So invalidating the relevance of IARC
- 18 would assist Monsanto's efforts in preventing a
- 19 Prop 65 listing from occurring, correct?
- MR. PARISER: Same objections.
- THE WITNESS: My -- okay. My
- understanding is the sole -- the sole basis of the
- 23 Proposition 65 listing is the IARC opinion. And
- that is even counter to the State of California's
- own prior assessments that glyphosate is -- is not

- 1 carcinogenic.
- 2 BY MR. ESFANDIARY:
- 3 Q Sir, that wasn't my question. That was
- 4 not responsive to my question at all.
- My question to you was, was invalidating
- 6 the relevance of IARC a part of Monsanto's efforts
- 7 in ensuring that there would be no Prop 65 listing
- 8 of glyphosate in California?
- 9 MR. PARISER: Same objections.
- 10 THE WITNESS: We certainly disagree with
- the Proposition 65 listing, yes. We took legal
- 12 action to try to prevent that listing, because we
- don't see -- we don't believe the IARC opinion to
- 14 be correct, and we don't believe that it should be
- the basis for the listing.
- 16 BY MR. ESFANDIARY:
- 17 Q And invalidating the relevance of IARC
- would assist Monsanto in ensuring that glyphosate
- would not be listed pursuant to Prop 65, correct?
- MR. PARISER: Same objections, and
- foundation, asked and answered.
- THE WITNESS: I -- I mean, the decision
- of whether or not, ultimately, to -- to keep
- 24 glyphosate on the Proposition 65 list is outside
- of Monsanto's control. That's a decision in the

- 1 hands of the state and the courts.
- What we felt was important to -- was to
- 3 provide context around that listing, and context
- 4 around the IARC -- the IARC opinion as the basis
- for that listing, because, again, we -- we
- 6 disagree with the IARC opinion. We disagree with
- 7 the listing.
- 8 BY MR. ESFANDIARY:
- 9 Q Providing context, would that include
- invalidating the relevance of IARC?
- MR. PARISER: Same objections.
- 12 THE WITNESS: That would include raising
- questions about the relevance of IARC. It would
- include raising questions about the IARC process.
- 15 It would include clarification, you know, and
- preventing future bad decisions, all of which are
- 17 listed there.
- 18 BY MR. ESFANDIARY:
- 19 Q Do you know if, at this point in time,
- this document was created in July 2015, whether
- 21 IARC had published it's monograph yet?
- 22 A I would have to look at the specific
- dates. I believe it was sometime that summer when
- the monograph was published. I don't remember the
- exact date, though.

- 2 comprehensive document, spanning about 90 pages or

You understand the monograph to be a

3 so, correct?

Q

1

- 4 MR. PARISER: Objection to form.
- 5 THE WITNESS: I don't recall the
- 6 specific length, but if -- it wouldn't surprise me
- <sup>7</sup> if about 90 pages is correct.
- 8 BY MR. ESFANDIARY:
- 9 Q Have you read it?
- 10 A I have read pieces of it. I have not
- 11 read the entire thing.
- 12 Q Okay. And do you agree that, in order
- to be able to criticize the IARC decision with a
- 14 grounding in fact, you would, in fact, need to
- read the IARC monograph?
- MR. PARISER: Objection to scope.
- 17 THE WITNESS: No, I disagree with that.
- 18 I think there are pieces of the monograph that are
- 19 fairly accessible to a lay reader like -- like me.
- There are other pieces, where it was far more
- 21 helpful to sit with our Monsanto scientists, who
- have, you know, doctoral degrees in various
- scientific fields, and talk through the opinions
- in the monograph directly with them.
- I wanted to make sure I had a good

- 1 understanding. And so I think having those --
- 2 having those conversations, and asking questions
- of our scientists was much more helpful to me than
- 4 trying to figure it all out on my own.
- 5 BY MR. ESFANDIARY:
- 6 Q So if -- did you have a conversation
- 7 with Bill Heydens about the IARC classification?
- A Among others, yes.
- 9 Q And -- scratch that.
- Did you form an opinion, when you read
- 11 pieces of the IARC monograph, that IARC was indeed
- 12 irrelevant?
- MR. PARISER: Objection to form and
- 14 scope.
- THE WITNESS: I formed my opinion --
- 16 yes, in part, through some of the reading on my
- own. But I think the conversations with our
- 18 Monsanto scientists, who are experts in their
- various fields, I think that was much more helpful
- to me in understanding the context of the IARC
- opinion. And that it was a -- was and is a
- complete outlier from regulatory agencies.
- 23 BY MR. ESFANDIARY:
- Q And at the time this document was
- created, Monsanto perceived IARC to have relevance

- - to invalidate that relevance, correct?
  - MR. PARISER: Objection, form,
  - 4 foundation, asked and answered.
- 5 THE WITNESS: I don't -- I don't think I

in the scientific community, such that it needed

- 6 can provide further context to what's written here
- on -- on the paper, that, you know, that there
- 8 was -- there was a call for retraction. There
- 9 were calls for clarification. You know, but I
- wouldn't want to speculate on any additional
- 11 context.

1

- MR. ESFANDIARY: Mark as Exhibit No. 10.
- 13 (Murphey Exhibit No. 10 was marked
- for identification.)
- 15 BY MR. ESFANDIARY:
- Q Sir, this is an e-mail from Ms. Link
- dated February 12th, 2015. It's about a month
- 18 before the IARC classification. The subject is,
- 19 Revised IARC Reactive Messaging, and the Bates
- 20 number is MONGLY01021708.
- Have you seen this document before?
- 22 A Yes.
- Q Okay. And Ms. Link says, "Attached
- 24 please find revised messaging for IARC." Do you
- 25 see that?

- - 1 A I do.
  - 2 Q And if you turn to the attachment 70 --
  - ending in Bates number 709, draft, February 12th,
  - 4 2015, "Glyphosate key talking points following
  - 5 IARC's decision. This component represents the
  - 6 orchestrated outcry that could occur following the
  - 7 March 3 to 10th IARC monograph expert meeting."
  - 8 Do you see that, sir?
  - 9 MR. PARISER: And please give the
- witness ample time to review the document before
- 11 he answers questions about it.
- THE WITNESS: (Peruses document.)
- Yes, I -- I see the sentence you're
- 14 referring to.
- 15 BY MR. ESFANDIARY:
- 16 Q So now we have two plans created leading
- up to the IARC classification, where Monsanto
- 18 identifies its efforts in responding to the IARC
- 19 classification as entailing an orchestrated
- 20 outcry, correct?
- MR. PARISER: Objection to scope,
- foundation.
- THE WITNESS: No, I think this -- this
- document is really just a set of key talking
- points that would be shared with various groups as

- part of preparation for the IARC opinion to be
- published. Then whether those groups actually
- 3 used any of these points, or issued any
- 4 communications, or responded to any inquiries
- 5 would be their decision to make.
- 6 BY MR. ESFANDIARY:
- 7 Q I wasn't asking about those groups. I
- 8 was asking about Monsanto's plan, where it's
- 9 identified, this component represents the
- orchestrated outcry that could follow -- that
- "could occur following the March 3 to 10th IARC
- monograph expert meeting."
- And my question to you, sir, was, we've
- 14 now looked at two documents, where Monsanto
- characterizes its efforts in responding to IARC as
- 16 creating an orchestrated outcry, correct?
- MR. PARISER: Objection to scope, and
- objection, asked and answered. He's addressed
- 19 this language in numerous previous questions.
- THE WITNESS: Yes, this is the second
- 21 document that uses those -- uses those particular
- words. But again, I -- I think this is a set of
- talking points, or actually, several sets of
- talking points that would be provided to different
- groups for their review, and to use, whether they

- 1 chose to do so or not.
- 2 BY MR. ESFANDIARY:
- 3 Q So we have employees in the Monsanto
- 4 Corporation using the term "orchestrated outcry"
- 5 to refer to the efforts across two documents, but
- 6 here today now, you're saying that that's not
- 7 actually what happened.
- MR. PARISER: Objection to scope, form,
- 9 foundation, asked and answered.
- 10 THE WITNESS: No, what I'm -- what I
- 11 have explained in several responses now, is that
- 12 the -- the efforts that Monsanto undertook, after
- the IARC opinion was published, involved, yes,
- engagement with third parties to provide
- information, share talking points, and other
- 16 resources. But then outreach to the media, to
- ensure balance and accuracy, and the right context
- 18 and perspective on the science in -- in their
- 19 coverage of -- of our product.
- 20 BY MR. ESFANDIARY:
- 21 Q Sir, you use words like "balance,"
- "accuracy," so forth. I have not seen a single
- one of the words that you identified in any
- Monsanto plan that we have looked at today.
- MR. PARISER: Objection to form. Is

- 1 that a question?
- 2 BY MR. ESFANDIARY:
- Q Correct?
- 4 A In the -- in the ten or so documents
- 5 today, I don't recall seeing those specific --
- 6 those specific words, but I can tell you, when I
- 7 have conversations with my colleagues, we often
- 8 are discussing our goal to strive -- to strive for
- 9 balance in -- in reporting about our company and
- about our products.
- 11 Q You're telling me that -- to me now, but
- 12 your colleagues, in plan after plan, are talking
- about orchestrating an outcry with the IARC
- 14 decision, correct?
- MR. PARISER: Objection to form, scope,
- 16 and foundation.
- 17 THE WITNESS: Yes, we've looked at two
- 18 documents where -- where that particular wording
- 19 has -- has been used.
- And again, in the context of this
- 21 particular document, what -- what I'm explaining
- 22 is that these were talking points that were
- developed and shared. And then the individual
- groups were free to adopt them, to discard them,
- you know, whatever they chose to do.

- - 1 BY MR. ESFANDIARY:
- 2 Q If you look at the key industry points
- 3 here, and it's talking about a 2B decision. And
- 4 that it's -- a 2B decision would be a possible
- 5 carcinogen, correct?
- A Yes, that's what 2B would have meant.
- 7 Q 2A is probable human carcinogen, which
- 8 is what glyphosate was -- glyphosate was
- 9 categorized in, and 2B is a possible carcinogen,
- 10 correct?
- 11 A That's my understanding.
- 12 Q And it says here that the
- 13 classification -- the 2B calculation does not
- establish a link between glyphosate and an
- increase in cancer. Possible simply means not
- impossible. Sir, what does "probable" mean?
- MR. PARISER: Objection to form and to
- 18 scope.
- THE WITNESS: I would need to see a
- 20 document from IARC that explains exactly what that
- 21 means.
- 22 BY MR. ESFANDIARY:
- Q Well, what would Monsanto's
- interpretation of "probable" be, given that
- Monsanto is giving its interpretation of

- - 1 "possible" in this document?
- MR. PARISER: Objection, outside the
- 3 scope, foundation.
- 4 THE WITNESS: I -- I don't know exactly
- 5 what the author of this document based that
- 6 definition on, and so I really would feel like I
- 7 would just be speculating if I -- if I gave you
- 8 something without the -- without looking at an
- 9 IARC document as a reference point.
- 10 BY MR. ESFANDIARY:
- 11 Q You agree that this definition given by
- 12 Monsanto in this document as to "possible" is not
- the IARC definition of "possible," correct?
- MR. PARISER: Same objections.
- THE WITNESS: I don't know. I don't
- 16 know that, one way or the other.
- 17 BY MR. ESFANDIARY:
- 18 Q On a basic level of denotation, you
- 19 agree with me that probable means likely?
- MR. PARISER: Objection to form and
- scope.
- THE WITNESS: I -- I think -- yeah --
- 23 BY MR. ESFANDIARY:
- Q It's a silly question. Never mind.
- MR. PARISER: Are you going to withdraw

```
1
    the question?
 2
                MR. ESFANDIARY: I'm going to withdraw
 3
    the question.
 4
                THE WITNESS: Thank you.
 5
                MR. KRISTAL: I thought that was the
 6
    best question all day.
 7
                MR. ESFANDIARY: Thank you for your
 8
    faith in me, Jerry.
 9
                MR. PARISER: I'm trying not to comment.
10
                (Murphey Exhibit No. 11 was marked
11
                for identification.)
12
    BY MR. ESFANDIARY:
13
                All right. Mr. Murphey, let's take a
14
    look at this one. It's MONGLY00866643. And it
15
    says, "Issues Plan, Farm Aid/Neil Young, Draft -
16
    Updated September 16, 2015."
17
                Do you see that, sir?
18
           Α
                I do see that.
19
           Q
                Have you seen this document before?
20
           Α
                I believe I have, but I'd like to take a
21
    minute to familiarize myself again with it,
22
    please.
23
           Q
                Sure.
                (Peruses document.) Okay.
24
           Α
25
                Does it appear to have been created in
           Q
```

- 1 the ordinary course of Monsanto business?
- MR. PARISER: Objection to form.
- THE WITNESS: Yes.
- 4 MR. PARISER: Foundation.
- 5 MR. ESFANDIARY: I'll move this into
- 6 evidence as well.
- 7 BY MR. ESFANDIARY:
- 8 Q If you would please turn to page ending
- 9 in 648. And it says, in the middle of the page,
- 10 it says, "IARC," is the heading, messages from
- July 14th, 2015, Issue Alert. And it says, "Any
- 12 time someone claims to have found a safety issue
- with one of our products, we take it very
- 14 seriously and review their evidence closely. We
- will do the same with the IARC monograph."
- Do you see that, sir?
- 17 A Yes.
- 18 Q And we saw earlier that even before
- 19 Monsanto had read the monograph, Monsanto was
- 20 planning rebuttal messages in response to the
- 21 classification, correct?
- MR. PARISER: Objection to form, scope,
- 23 foundation.
- THE WITNESS: Yes. Monsanto employees
- were preparing for multiple scenarios in advance,

- 1 knowing that there could -- that IARC could
- 2 classify the product in one of -- any of its
- different categories. And so different scenarios
- 4 were planned then.
- 5 And then several months before this
- 6 document, in March, when the opinion came out, the
- 7 Lancet piece, you know, at a high level, began to
- 8 explain the opinion. And so Monsanto scientists
- 9 were, you know, throughout that process, gaining a
- deeper understanding of -- of the IARC -- the IARC
- 11 conclusion.
- 12 BY MR. ESFANDIARY:
- 13 Q My question -- my question is about, in
- 14 the plans that Monsanto prepared prior to even
- seeing the monograph, Monsanto is talking about
- 16 rebutting -- neutralizing the IARC decision.
- My question to you is, can Monsanto talk
- 18 about IARC or criticize IARC in an informed way,
- without having read the monograph yet?
- MR. PARISER: Objection to form, scope.
- THE WITNESS: Yes. Monsanto scientists
- 22 have a deep familiarity with the data behind --
- behind glyphosate, the extensive data that shows
- that glyphosate can be used safely, and that it's
- not a carcinogen.

- And so at a fundamental level, you know,
- our scientists already knew that a classification,
- you know, in anything other than probably not
- 4 carcinogenic would be inconsistent with that
- overwhelming scientific evidence, and inconsistent
- 6 with the conclusions of the EPA and regulators
- <sup>7</sup> around the world.
- 8 So I think we were very confident, based
- 9 on -- based on that knowledge that our scientists
- 10 have, in developing those scenarios. And then
- certainly as our scientists reviewed the
- monograph, we got a deeper understanding of those
- deficiencies with its opinion.
- 14 BY MR. ESFANDIARY:
- 15 Q So I'm just going to break down what you
- 16 said. You said that Monsanto has already made up
- 17 its mind about the scientific data before having
- 18 even seen it.
- MR. PARISER: Objection,
- 20 mischaracterizes testimony, and incomplete
- 21 characterization of testimony.
- THE WITNESS: Yes, in -- in this
- context, you know, where you're talking about an
- 24 agency that was -- in IARC, that was looking at a
- subset of the data, after glyphosate and

- 1
- 2 for 40 years, our scientists were very familiar,

glyphosate-based products had been on the market

- 3 you know, they're experts in the safety of -- in
- 4 the safety of this product.
- 5 And certainly as new -- as new
- 6 scientific claims come to the front, they do --
- they look at them, they analyze them. 7
- 8 certainly did that here with, you know, with the
- 9 IARC monograph. But they -- they were confident
- 10 in their knowledge that a classification of
- 11 glyphosate in category 2A or 2B, again, anything
- 12 but probably not carcinogenic, would not be
- 13 accurate.
- 14 You would agree with me that science is
- 15 an ever-evolving process?
- 16 MR. PARISER: Objection, vaque, outside
- 17 the scope.
- 18 THE WITNESS: I -- I do. Му
- 19 understanding, again, based on, you know,
- 20 conversations with scientists is, yes, it is -- it
- 21 is ever-evolving.
- 22 BY MR. ESFANDIARY:
- 23 So --0

- 24 But in the context of the IARC Α
- 25 monograph, IARC hadn't looked at anything new.

- 1 The data -- the data that IARC examined had
- already been looked at by the EPA and regulatory
- 3 bodies around the world on multiple occasions.
- 4 Q So your testimony is that despite
- 5 science being an ever-evolving process, it's
- 6 appropriate for Monsanto to make its mind up about
- 7 a piece of scientific data without having first
- 8 seen it?
- 9 MR. PARISER: Objection to scope,
- 10 misstates testimony.
- 11 BY MR. ESFANDIARY:
- 12 Q Correct?
- 13 A Yes. In the context of this -- the IARC
- 14 monograph, which didn't look at new data, which
- only looked at a subset of what EPA and other
- 16 regulators around the world had already examined
- in the course of their conclusions that glyphosate
- 18 is not carcinogenic, I think our scientists
- were -- were very confident in quickly assessing
- 20 that the IARC opinion was flawed. And their --
- that assessment evolved over time, as we got
- 22 additional information. But we knew -- yes, we
- 23 knew before the IARC announcement that a
- 24 classification of glyphosate in any category but
- probably not carcinogenic would not be accurate.

- 1 Well, you say here that Monsanto takes
- 2 new scientific claims very seriously and will
- 3 closely look at the IARC monograph.
- 4 Α Yes.

Q

- 5 Right? And at the same time, you say, 0
- 6 Monsanto made up its mind before seeing the
- 7 monograph as to what IARC's -- IARC's conclusion
- 8 would entail.
- 9 MR. PARISER: Objection to --
- 10 BY MR. ESFANDIARY:
- 11 0 Correct?
- 12 MR. PARISER: Objection to scope,
- 13 argumentative.
- 14 THE WITNESS: I'd say we had an -- had
- an initial assessment of the deficiencies with the 15
- 16 IARC opinion that was -- that was refined over
- 17 Again, our science -- our scientists who
- 18 were -- with whom I was having these conversations
- 19 have studied glyphosate for many, many years. You
- 20 know, they had a tremendous amount of
- 21 understanding and context of the product -- the
- 22 product already.
- 23 You know, they were already of the
- 24 conclusion that glyphosate was not carcinogenic.
- 25 So when the IARC opinion came out, and was such an

- outlier, you know, so divergent from the
- 2 conclusions of the USEPA and EFSA, and regulators
- around the world, our scientists were very quickly
- 4 able to say, that is not consistent.
- 5 And then as the monograph later became
- 6 available, certainly they did a very thorough
- 7 assessment of it, to try to understand in even
- 8 more detail how IARC came to this complete outlier
- 9 conclusion.
- 10 BY MR. ESFANDIARY:
- 11 Q All these scientists that you spoke to
- 12 at Monsanto are employed by Monsanto, correct?
- 13 A Correct.
- 14 O They all have a vested interest in the
- product, Roundup, correct?
- MR. PARISER: Objection to form and
- scope.
- THE WITNESS: Yes, they are employees of
- 19 the company. I think they're also incredibly
- well-educated, incredibly passionate scientists,
- who care very deeply about what they do. You
- 22 know, they care very deeply about safety. And I
- have absolutely no reason to question the
- information they've shared with me.
- 25 BY MR. ESFANDIARY:

- 1 Q You know of absolutely no reason to
- question the information they shared with you?
- A Right, I am confident -- I'm confident
- 4 in their scientific assessment, and very
- 5 comfortable, you know, that they have been able to
- 6 thoroughly and clearly explain things to me.
- 7 Q Are you aware that when the IARC
- 8 monograph was published, over a hundred scientists
- 9 published an article setting forth their agreement
- with the IARC methods and classification?
- MR. PARISER: Objection to scope.
- 12 THE WITNESS: I -- I am aware that,
- 13 yeah, sometime after the -- after the IARC opinion
- 14 came out, there was such a letter. I forget
- exactly how many scientists signed on to the --
- 16 signed on to the document.
- 17 BY MR. ESFANDIARY:
- 18 Q You say in here, "glyphosate is not a
- 19 carcinogen." Do you agree with me there's a
- difference between glyphosate and Roundup?
- MR. PARISER: Objection to scope.
- THE WITNESS: Yes. Yes, glyphosate is
- the active ingredient. A Roundup-branded product
- would be an example of a formulated product.
- 25 BY MR. ESFANDIARY:

Can Monsanto say that Roundup is not a

2 carcinogen?

1

- MR. PARISER: Objection to form.
- 4 Objection to scope.

Q

- 5 THE WITNESS: There's a -- there's a
- 6 tremendous amount of evidence that makes us very
- 7 confident that Roundup -- Roundup-branded
- 8 products, or other glyphosate formulations, are
- 9 not carcinogenic.
- 10 BY MR. ESFANDIARY:
- 11 Q So Monsanto is comfortable stating to
- the world that glyphosate-based formulations are
- 13 not carcinogenic?
- MR. PARISER: Same objections.
- THE WITNESS: Yes. And I think that
- that assessment would hinge on multiple types of
- data, including, for instance, the U.S.
- 18 Agricultural Health Study, the largest study that
- 19 ever -- has ever looked at any connection between
- 20 glyphosate, glyphosate-based products, and cancer.
- 21 BY MR. ESFANDIARY:
- 22 Q I would just quickly like to go back to
- the previous exhibit there, sir.
- 24 A Okay.
- Q Just one last --

- - 1 A No. 10?
- 2 Q Yes, please. At the top of the page, on
- 3 the first page of the attachment there, it says,
- 4 "The proposed approach suggests industry
- 5 associations and credible third parties lead, and
- 6 Monsanto plays a secondary role to defend its
- 7 Roundup brand." Do you see that, sir?
- 8 A I do see that written there.
- 9 Q So Monsanto wanted the primary
- information -- the primary source of the
- information regarding Roundup safety to come from
- third parties, not itself, correct?
- MR. PARISER: Objection to foundation,
- 14 and form, and asked and answered -- this whole
- line of questioning is asked and answered.
- THE WITNESS: Yes, I -- I see that
- that's what's written in the plan here. I think
- 18 this is a plan that reflects thinking at one point
- 19 in time. Again, this document is from
- 20 mid-February of 2015.
- You know, what I can tell you is that at
- 22 the -- as we got to the time of the announcement,
- and in the years since, Monsanto has taken a
- 24 primary role in defending the safety of product --
- of the product, and, yes, in defending the Roundup

- 1 brand. We issued press release, we've done
- 2 multiple press interviews, we've engaged -- we've
- 3 engaged online, to help share information. We're
- 4 very pleased that a wide variety of third parties,
- our customer groups, farmer associations, and
- 6 others, continue to support the safe use of
- 7 glyphosate as well.
- And I think we've been very proactive,
- 9 very front-footed in our -- in our engagement
- 10 around the product.
- 11 BY MR. ESFANDIARY:
- 12 Q Across two plans now, we've seen
- 13 Monsanto emphasize the need to defer to third
- 14 parties in protecting glyphosate's reputation.
- And your testimony here today is that that's not
- 16 actually what occurred, correct?
- MR. PARISER: Objection to foundation,
- 18 scope, asked and answered.

- 19 THE WITNESS: What I'm -- what I'm
- 20 explaining is the plans that we've looked at
- reflect thinking at one point -- at one point in
- 22 time. Plans and approaches can and do -- and do
- evolve. And the approach that we've taken in the
- last few years certainly has put Monsanto in a
- 25 primary role of speaking out about the safety and

- the benefits of our product. But we're very glad
- that our customer groups and others have -- have
- defended the product as well.
- 4 BY MR. ESFANDIARY:
- 5 Q At Monsanto's request?
- A In some cases, we've shared with them
- opportunities where they could engage or speak
- 8 out. You know, it's -- where there's a shared --
- 9 there's a shared interest in a product that's as
- important as glyphosate. Our customers truly rely
- on it, because of the benefits that it provides to
- them on a farm. And so, yes, there are -- there
- are times where we will go to our customers, and
- 14 you know, share -- share some information with
- $^{15}$  them, and make a -- make a request that they do --
- they do communicate.
- Q And that plan identifies, as a primary
- spokesperson for the safety of glyphosate, these
- other third parties, not Monsanto, correct?
- MR. PARISER: Objection to the scope.
- THE WITNESS: This -- this document does
- 22 lay out a variety of -- a variety of different
- groups that could have an interest in
- communicating about -- about glyphosate. I don't
- think I would say that they have played the

- primary role. I think Monsanto, again, has been
- very -- has been very direct with press releases
- 3 and interviews and other communications on the
- 4 topic. But these groups have all -- have all
- 5 spoken out as well.
- 6 BY MR. ESFANDIARY:
- 7 Q You agree with me that if the
- 8 information is coming from these third parties,
- 9 the average consumer has no way of knowing that is
- 10 actually Monsanto that is communicating the
- 11 specific message, correct?
- MR. PARISER: Objection to scope, form,
- 13 and foundation, vague.
- 14 THE WITNESS: No, I -- I disagree
- with -- with the premise there. These groups all
- have points of view and opinions that are theirs,
- 17 and theirs alone. That Monsanto provides some
- 18 information to them, or shares some information
- does not mean that any one of these groups, or
- 20 individuals affiliated with the groups, is going
- 21 to actually communicate or not. And I'm quite
- confident that any of these groups would speak
- with their own voice, because they believe that
- the product is -- is important.
- 25 BY MR. ESFANDIARY:

- 1 O And the shared interest Monsanto and all
- these groups have is a shared financial interest
- in the success of Roundup, correct?
- 4 MR. PARISER: Objection to scope, form,
- 5 and foundation.
- 6 THE WITNESS: No, I think -- I think
- 7 that's -- I think that's too narrow. Yes,
- 8 glyphosate -- glyphosate is an important product
- 9 for Monsanto. Glyphosate is important for our
- 10 farmer -- for our farmer customers, and for their
- 11 livelihoods.
- But the benefit of glyphosate extends
- beyond simply the contribution to a farmer's
- 14 livelihood. It enables farmers to use more
- sustainable farming practices. It enables them to
- useless diesel fuel in their operations. It
- 17 promotes soil health. When I talk about the
- 18 shared value or the shared benefit, it is -- it is
- in that broader context.
- 20 BY MR. ESFANDIARY:
- 21 Q It's your testimony to the jury that
- these third parties would as aggressively promote
- the safety of Roundup, if they did not have a
- 24 financial interest in it?
- MR. PARISER: Same objections.

- THE WITNESS: I -- I -- no, I think
- these -- I think part of why these groups, and
- 3 individuals involved in the groups, defend the
- 4 product certainly is that it does -- it does
- 5 provide value for them. If it didn't provide
- 6 value, they wouldn't buy the product. It's as
- 7 simple as that. If a farmer didn't see value
- 8 in -- in Roundup, they would buy and use something
- 9 else.
- But because they understand both the
- 11 financial value, as well as the value for the
- 12 sustainability of their operations, I think
- 13 farmers choose to use Roundup year after year
- 14 after year.
- 15 (Murphey Exhibit No. 12 was marked
- for identification.)
- MR. ESFANDIARY: I'm going to mark
- 18 Exhibit No. 12 to your deposition. I think I only
- 19 have two copies of that.
- MR. PARISER: It's fine.
- MR. ESFANDIARY: All right.
- 22 BY MR. ESFANDIARY:
- Q Okay. This is an exhibit,
- MONGLY01021378. It contains e-mails between
- Monsanto employees. Have you seen this document

- - 1 before?
  - 2 A Yes, I believe I have.
  - 3 Q And the initial e-mail is from Donna
  - 4 Farmer to Bill Heydens, including David Saltmiras,
  - 5 March 4, 2015. And this is before the IARC
  - 6 decision, correct?
  - 7 A Yes, that would be before the IARC
  - 8 opinion was published.
  - 9 Q And Dr. Farmer says, I was asked to --
- "I was asked for a list of experts that they could
- 11 contact to defend glyphosate in the media, " and
- then she identifies a list, correct?
- 13 A Yes, that's correct.
- 14 Q So this is an example of Monsanto using
- third parties to defend glyphosate in the media,
- 16 correct?
- MR. PARISER: Objection to scope,
- 18 foundation.
- THE WITNESS: No, this -- this appears
- to be a list of experts, scientific experts from
- various fields, to whom Monsanto could possibly
- refer a reporter, or ask one of these experts to
- answer a question about the safety of glyphosate.
- 24 BY MR. ESFANDIARY:
- Q To defend glyphosate in the media,

```
1
    correct?
 2
                MR. PARISER: Same objections.
 3
                THE WITNESS: Yes, if there was
 4
    misinformation, or inaccurate reporting in the
 5
    media, yes, to defend glyphosate in that context.
 6
                MR. ESFANDIARY: I move this document.
 7
                THE WITNESS: While you're doing that,
8
    would it be okay if I grab a bottle of water?
9
                MR. ESFANDIARY: Sure. We can go off
10
    the record, actually.
11
                THE VIDEOGRAPHER: The time is 12:12
12
    p.m. We're going off the record.
13
                (Brief recess.)
14
                THE VIDEOGRAPHER: The time is 12:13
15
          We're back on the record.
    p.m.
16
                (Murphey Exhibit No. 13 was marked
17
                for identification.)
18
    BY MR. ESFANDIARY:
               Mr. Murphey, here is Exhibit 13 to your
19
          Q
20
    deposition.
21
                Thank you.
          Α
                This is an e-mail, MONGLY00948216, from
22
    Dan Goldstein dated March 3rd, 2015, regarding
23
24
    draft Op Ed materials. Do you work with Dan
25
    Goldstein?
```

- 1 7 T did cool with Do Coldetain con
- 1 A I did work with Dr. Goldstein, yes.
- 2 Q Have you seen this document before, sir?
- 3 A Yes, I believe I have.
- 4 Q And it appears to have been created
- 5 during the ordinary course of Monsanto business?
- 6 MR. PARISER: Objection to form and
- 7 foundation.
- 8 THE WITNESS: Yes, it is.
- 9 MR. ESFANDIARY: I move this into
- 10 evidence as well.
- 11 BY MR. ESFANDIARY:
- 12 Q And this was sent about 20 days after
- Dr. Farmer's e-mail identifying the third parties
- that can be used to defend glyphosate in the
- media, correct?
- MR. PARISER: Objection to scope.
- 17 THE WITNESS: Yes, it appears -- roughly
- 18 twenty days.
- 19 BY MR. ESFANDIARY:
- Q And Dr. Goldstein says, "I have written
- 21 five potential draft Op Eds for the medical
- toxicologists to work from. This also includes a
- general purpose couple of paragraphs on criticism
- of IARC generally that can be grafted in to the
- other versions." Do you see that?

```
1 A I -- I do see that.
```

- Q Okay. And if you look at the
- 3 attachment, it says, "Glyphosate and Cancer -
- 4 Idiosyncrasies at IARC."
- 5 Do you see that, sir?
- 6 A Yes, I see that.
- 7 Q So is this an example of the talking
- 8 points that Monsanto would have provided to third
- 9 parties to defend glyphosate in the media?
- 10 A Yes, I mean, this appears to be some
- information that Dr. Goldstein had assembled with
- 12 some message points. And that he was sharing it
- with -- you know, what appears, by their e-mail
- 14 addresses, to be some other medical doctors and
- 15 scientists. And he explains in his -- you know,
- in the e-mail, you know, this will give a good
- 17 starting point. And we can coordinate Op Ed
- 18 versions as -- as needed. You know, not -- even
- 19 below that, "not intended to tell you what to say,
- just grist for the mill, to help you create what
- 21 you want to say."
- Q Would the person reading the Op Ed know
- that the information initially came from
- Dr. Goldstein of Monsanto Company?
- MR. PARISER: Objection to form, and

- 1 foundation, and scope.
- THE WITNESS: I -- I think that depends
- on what the -- what the scientist ultimately
- 4 published. You know, I think in some of this, you
- 5 know, document, it looks like, you know,
- 6 Dr. Goldstein was just pulling together, you know,
- 7 references -- you know, there are references to
- 8 regulatory conclusions, or there are other pieces,
- 9 but I think whatever the scientist ultimately
- 10 published would be their -- their opinion, and
- 11 their opinion alone.
- 12 BY MR. ESFANDIARY:
- Q Do you think it's important for a
- 14 consumer to know that a source of information is
- coming from the company that has a vested interest
- in the product?
- MR. PARISER: Same objections.
- 18 THE WITNESS: I think there's some
- 19 context there that's -- that's important. You
- 20 know, no -- no scientist, you know, at this
- 21 stage -- at the senior level, at the stage in
- their careers that Dr. Goldstein was communicating
- with, would publish something that did not
- 24 accurately and fully reflect their opinion.
- What Dr. Goldstein was providing here

- was a starting point. You know, as he puts it,
- 2 grist for the mill, to help you create what you
- 3 want to say. You know, if -- if they use some of
- 4 this as early context or a starting point for
- 5 their ideas, I think that's perfectly appropriate.
- 6 BY MR. ESFANDIARY:
- 7 Q No, I appreciate that, and I wasn't
- 8 insinuating that Dr. Goldstein ghost-wrote any of
- <sup>9</sup> these for these scientists.
- All I'm asking you, though, is, would it
- 11 be important for a consumer to know that some of
- 12 -- the source of some of the information it's
- 13 receiving about the IARC classification came from
- 14 the company that has a vested interest in the
- product?
- MR. PARISER: Same objections, and asked
- and answered.
- 18 THE WITNESS: No, I think -- I think in
- 19 this context, Dr. Goldstein was sharing some
- 20 information. You know, if one of these scientists
- chose to weigh in, and draft and submit an Op Ed
- for publication, that would be their opinion, and
- 23 should be reflected as such.
- 24 BY MR. ESFANDIARY:
- 25 Q So the answer to my question is, no,

- 1 Monsanto does not believe that it's important for
- 2 a consumer to know that some of the source of the
- information about IARC is coming from the company?
- 4 MR. PARISER: Same objections, and asked
- 5 and answered.
- 6 THE WITNESS: No, in -- in the context
- of what -- of what I'm describing here,
- 8 Dr. Goldstein is sharing -- sharing information.
- 9 He is, you know, in some cases, could have been,
- 10 you know, flagging for these scientists who are
- thinking and working on many different matters,
- that the IARC opinion had just been published, and
- 13 sharing some context around that. I think,
- 14 ultimately, if those -- if those scientists spent
- time thinking about glyphosate and authoring on
- Op Ed, it's accurate for it to be published in
- 17 their name.
- 18 BY MR. ESFANDIARY:
- 19 Q Mr. Murphey, what was my question?
- MR. PARISER: Objection, argumentative.
- THE WITNESS: It was -- your question, I
- believe, was something to do with the fact of,
- should Monsanto be noted as providing the
- information. And, no -- my answer to that is no.
- 25 BY MR. ESFANDIARY:

- O Okay. Okay. Let's take a look at this
- 2 here. So it's true that Monsanto's allocated
- 3 millions of dollars in responding to the IARC
- 4 classification, correct?
- MR. PARISER: Objection to scope and
- 6 form, foundation.
- 7 THE WITNESS: We -- we have -- we had to
- 8 spend a significant amount of resources, over
- 9 several years now, correcting misinformation, and
- 10 addressing questions in the public about -- about
- 11 glyphosate.
- 12 BY MR. ESFANDIARY:
- 13 Q Has Monsanto allocated millions of
- dollars to responding to the IARC classification?
- MR. PARISER: Same objections.
- THE WITNESS: Yes.
- 17 BY MR. ESFANDIARY:
- 18 Q Do you know roughly how much Monsanto
- 19 allocated to it in 2016?
- MR. PARISER: Same objections.
- THE WITNESS: I can -- I can only speak
- within the context of, you know, public affairs
- activities, you know, things that I would have
- been directly involved in. But in 2016, you know,
- I believe for some of the projects I was involved

1 in, it was around 16 or 17 million. 2 BY MR. ESFANDIARY: 3 16 or 17 million --0 4 Α Mm-hmm. 5 -- was allocated to responding to the --0 to the IARC clarification? 6 7 MR. PARISER: Same objections. 8 THE WITNESS: No, not specifically and 9 solely focused on IARC. It's -- it would have 10 focused on engagement and media relations and 11 other activities on glyphosate, more generally. 12 BY MR. ESFANDIARY: 13 So 16 to 17 million in 2016 on general 0 14 media relations pertaining to glyphosate, correct? 15 Media relations in multiple countries, Α 16 you know, where you have to deal with multiple 17 languages, digital media, and other activities. 18 How much does it cost to perform a 19 long-term cancer bioassay on a formulated product? 20 MR. PARISER: Objection, scope, 21 foundation. 22 THE WITNESS: I don't -- I don't have a 23 frame reference for that. 24 BY MR. ESFANDIARY: 25 Do you know who Dr. Koch is? Q

- - 1 Dr. Michael Koch?
  - 2 A Yes, I'm aware that he's in our
  - 3 regulatory group.
  - 4 Q He's a scientist, right?
  - 5 A Yes.
  - 6 Q Would you defer to his scientific
  - 7 expertise when it comes to Roundup, the scientific
  - 8 profile of Roundup?
  - 9 A I'm -- I'm not personally familiar with
- what Dr. Koch's scientific background is.
- 11 Q If a Monsanto scientist, such as
- 12 Dr. Farmer, was to tell you that to conduct a full
- carcinogenicity bioassay was to cost 1.5 million
- 14 US dollars, would you -- would you have any reason
- to doubt her judgment on that?
- MR. PARISER: Objection to scope and
- 17 foundation.
- THE WITNESS: I -- I don't have any
- 19 frame of reference for what that costs, so, no, I
- 20 would -- I would defer to Dr. Farmer.
- 21 O You would?
- 22 A Yes.
- 23 Q And 1.5 million is significantly less
- than 16 million, correct?
- MR. PARISER: Objection to scope, form.

- THE WITNESS: It is. However, I think
- the type of assay that you're suggesting, based on
- my understanding from conversations with
- 4 Dr. Farmer and others, is not -- is not a required
- 5 regulatory study.
- 6 BY MR. ESFANDIARY:
- 7 Q So Monsanto would only do a study to
- 8 find out the carcinogenicity of its product if
- 9 it's required?
- MR. PARISER: Objection, outside of the
- 11 scope.
- THE WITNESS: We have no -- again, based
- on my understanding from conversations with our
- scientists, we have no evidence suggesting that
- 15 for -- our formulated products are carcinogenic.
- 16 And that includes significant epidemiology data
- that looks at the real world use of those
- 18 products.
- 19 BY MR. ESFANDIARY:
- Q Mr. Murphey, Monsanto has never, itself,
- conducted a two-year carcinogenicity assay on the
- formulated Roundup product, correct?
- MR. PARISER: Objection, asked and
- answered, outside the scope.
- THE WITNESS: Yes, that's my

- 1 understanding.
- 2 BY MR. ESFANDIARY:
- 3 Q So Monsanto, itself, does not know what
- 4 the results of that study would show, correct?
- 5 MR. PARISER: Objection. Objection to
- 6 form. Objection, outside the scope.
- 7 THE WITNESS: Again, my understanding is
- 8 that that type of study has never been done.
- 9 BY MR. ESFANDIARY:
- 10 Q And if it was to be done, it would cost
- 11 1.5 million, hypothetically?
- MR. PARISER: Same objections.
- 13 BY MR. ESFANDIARY:
- 14 O And --
- 15 A I -- I don't have any frame of reference
- 16 for what that type of study would cost. That's
- 17 not my area of expertise.
- 18 Q I want to mark as Exhibit No. 19 -- I
- 19 apologize, 14. Getting ahead of myself. Is that
- 20 correct?
- A My last one was 13.
- MR. ESFANDIARY: I apologize. Can we go
- off the record quickly?
- THE VIDEOGRAPHER: The time is 12:23
- p.m. We're going off the record.

```
1
                (Lunch recess.)
 2
                THE VIDEOGRAPHER: The time is
    1:15 p.m., and we're back on the record.
 3
 4
    BY MR. ESFANDIARY:
 5
                Good afternoon, Mr. Murphey, how was
           0
 6
    your lunch?
 7
                It was very nice, thank you.
           Α
 8
    afternoon.
 9
                Good. All right.
           Q
10
                So before we went on a break, you
    testified about the benefits that Roundup has for
11
12
    farmers and agricultural workers. Do you remember
13
    that testimony?
14
                I do.
           Α
15
                Great. And you understand -- and I'm
16
    asking you this in your individual capacity, you
17
    understand that Roundup is also marketed at
18
    regular consumers, non-occupational users?
19
           Α
                Correct.
20
                And do you think that Roundup could be
21
    continued to be used in agricultural setting, and
22
    also by consumers with the same benefits that it's
23
    currently having if a cancer warning was given on
24
    the label?
25
                MR. PARISER:
                              Objection to foundation,
```

- - 1 form.
  - THE WITNESS: My -- my understanding is
- 3 that a cancer warning would be -- would be
- 4 inaccurate, and a federal judge has actually ruled
- 5 it to be false and misleading. So, no, I don't
- 6 think a cancer warning would be appropriate, and
- 7 likely would lead to decreased use.
- 8 BY MR. ESFANDIARY:
- 9 Q Let me pose this in a hypothetical.
- 10 Supposing that cancer -- that Monsanto took the
- 11 position that Roundup is actually associated with
- 12 an elevated risk in non-Hodgkin's lymphoma, do you
- think that Roundup could continue to be used with
- 14 the same benefits we discussed earlier with a
- 15 cancer warning label?
- MR. PARISER: Objection, improper
- 17 assumption, and lack of foundation.
- THE WITNESS: I really don't understand
- the connection that you're trying to draw between
- $^{20}$  the two.
- The benefits of Roundup are
- well-established, and -- and known. But it's also
- known that glyphosate isn't carcinogenic. And so
- 24 if you are talking about -- it's really like
- you're talking about a different product almost.

- 1 BY MR. ESFANDIARY:
- Q No, I'm asking you -- I'm asking you
- 3 hypothetically, that if Monsanto was to warn about
- 4 the cancer risk, could Roundup continue to be used
- 5 with the same benefits to farmers and consumers
- 6 that you discussed earlier?
- 7 MR. PARISER: Same objections.
- 8 THE WITNESS: So I think the only way I
- 9 can answer your question is the -- we firmly
- 10 believe that a cancer warning on a package of
- 11 Roundup would be inaccurate, and it would be false
- 12 and misleading. But that false and misleading
- warning label would not change the beneficial
- 14 properties of the substance.
- 15 BY MR. ESFANDIARY:
- 16 Q So in other words, Roundup could be
- marketed, hypothetically, with the same benefits
- 18 that you discussed earlier, but also carrying a
- 19 cancer label, correct?
- MR. PARISER: Same objections, and this
- continues to be outside the scope.
- THE WITNESS: And again, I just -- I
- don't think there's anything I can add to my
- answer, other than, you know, again, to repeat,
- the warning label would not accurately

- 1 characterize the product. A federal judge has
- 2 said that such a partnering label on glyphosate
- 3 products would be false and misleading to
- 4 consumers.
- But, yes, to your point, putting that
- 6 false and misleading warning on a package of
- 7 Roundup, which I believe to be inappropriate,
- 8 would not change the beneficial properties of the
- 9 product.
- 10 BY MR. ESFANDIARY:
- 11 Q Do you think Monsanto would stop selling
- 12 Roundup if the company believed it was
- 13 carcinogenic?
- MR. PARISER: Objection, scope,
- 15 foundation.
- THE WITNESS: I -- I can't speak to
- 17 that, one way -- one way or another. You know, I
- think that would be a matter for scientific
- 19 experts within the company and -- and regulatory
- 20 bodies to decide.
- 21 BY MR. ESFANDIARY:
- 22 Q And you've already said you respect and
- you defer to scientific opinions of your
- colleagues, such as Dr. Farmer, right?
- 25 A Yes, Dr. Farmer, among others.

- 1 Q And again, in your individual capacity,
- 2 here is another hypothetical. If Dr. Farmer was
- 3 to say, Sam, you know, we have done some more
- 4 research, and it turns out that this product may
- be associated with a risk of non-Hodgkin's
- 6 lymphoma, do you think that Monsanto should stop
- 7 selling Roundup in that eventuality?
- 8 MR. PARISER: Objection to form,
- 9 improper hypothetical.
- THE WITNESS: I'll start by saying, we
- 11 have absolutely no reason to believe that we would
- 12 come across evidence like that. I've heard
- 13 nothing in my conversations with Monsanto
- 14 scientists about any type of evidence of that
- 15 nature.
- But if -- if we were to come across
- evidence that made that suggestion, I think it
- 18 would be -- that would be a decision left up to
- our experts in product safety, and regulatory
- bodies around the world, that would have to weigh
- 21 and evaluate the overall risk.
- 22 BY MR. ESFANDIARY:
- 23 Q But do you think that product should not
- be on the product if it can cause cancer?
- MR. PARISER: Objection, asked and

- 1 answered, improper hypothetical, scope.
- THE WITNESS: I think that's -- that's a
- decision that would need to be made by
- 4 scientific -- by scientific experts, who can
- 5 evaluate the overall risk, in the context of how
- 6 the product would be -- would be used. But,
- 7 again, I've heard absolutely nothing from any of
- 8 our scientists about any suggestion of a
- 9 connection between glyphosate and cancer.
- 10 BY MR. ESFANDIARY:
- 11 Q No, I understand that. But my question
- 12 to you is, in exercising your own judgment, do you
- 13 think that if a product can cause cancer, it
- 14 should not be on the market?
- MR. PARISER: Objection, asked and
- answered, form, scope.
- 17 THE WITNESS: No, as a -- as a
- 18 layperson, I'm very comfortable in the work that
- our regulatory agencies do, and the assessments
- that they do that would look at an individual
- 21 piece of data from one study, and assess it in the
- 22 context of the overall safety profile of the
- 23 product, and the real -- the real world -- the
- 24 real world risk.
- 25 BY MR. ESFANDIARY:

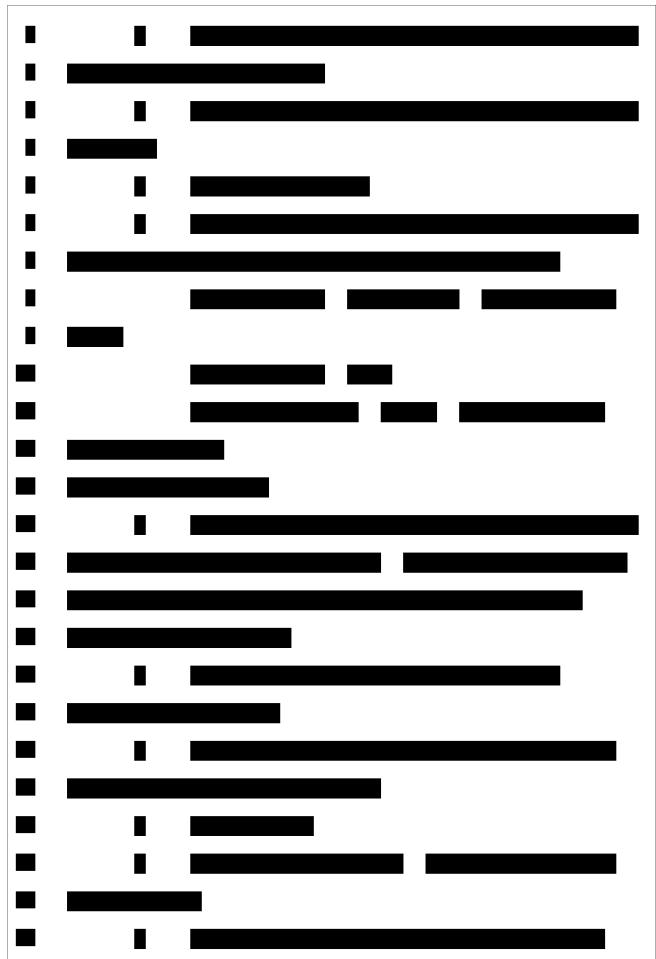
- 1 Q If the EPA came out tomorrow and said
- they believe Roundup to be associated with
- non-Hodgkin's lymphoma, do you think that Roundup
- 4 should be off the market?
- 5 MR. PARISER: Same objections.
- 6 THE WITNESS: I think that would be a
- 7 decision -- that would be a decision for the EPA
- 8 to make, based on -- again, based on what they --
- 9 what they saw in their overall -- their overall
- 10 risk assessment.
- 11 BY MR. ESFANDIARY:
- 12 Q Mr. Murphey, I'm going to ask my
- question again, and you haven't provided a
- 14 responsive answer yet.
- My question to you was, if the EPA was
- 16 to come out and say that Roundup can cause cancer,
- do you, sir, think that it should be off the
- 18 market?
- MR. PARISER: I'm going to object again
- to the form of the question, as well as scope.
- 21 And also, Counsel, don't lecture the witness about
- whether he's asked or answered the question. In
- fact, he has answered the question. And I'm going
- to object on that basis as well. If you have
- anything else you can add, you may do so.

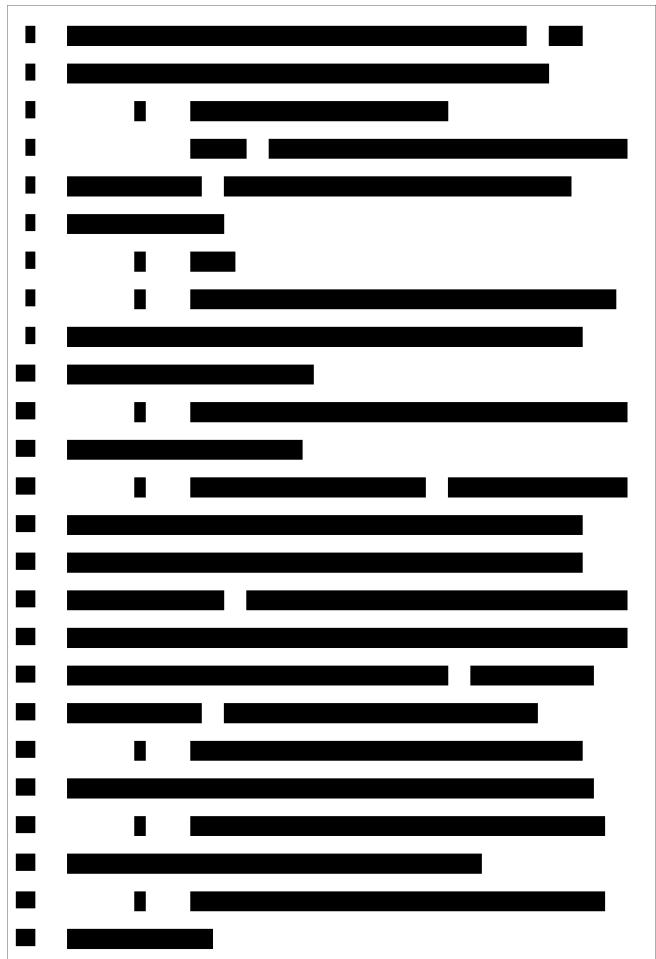
- THE WITNESS: My answer would be, no,
- that would be a decision for experts at EPA to
- 3 make.
- 4 BY MR. ESFANDIARY:
- 5 Q So your answer is, no, you do not think
- 6 that Roundup should be off the market?
- 7 MR. PARISER: Objection, asked and
- 8 answered.
- 9 BY MR. ESFANDIARY:
- 10 Q If the EPA makes a determination that it
- 11 can cause cancer?
- MR. PARISER: Objection, asked and
- answered numerous times, and improper
- 14 hypothetical, scope.
- THE WITNESS: No, the EPA would look at
- 16 that data in the context of an overall risk
- assessment, and make its decision. I'm -- I'm
- 18 confident in the EPA's ability to assess risk and
- 19 regulate products.
- 20 BY MR. ESFANDIARY:
- 21 Q So if your -- you would exercise that
- confidence in the event that the EPA determines
- 23 Roundup to be associated with cancer, correct?
- MR. PARISER: Same objections.
- THE WITNESS: Correct. And I just -- I

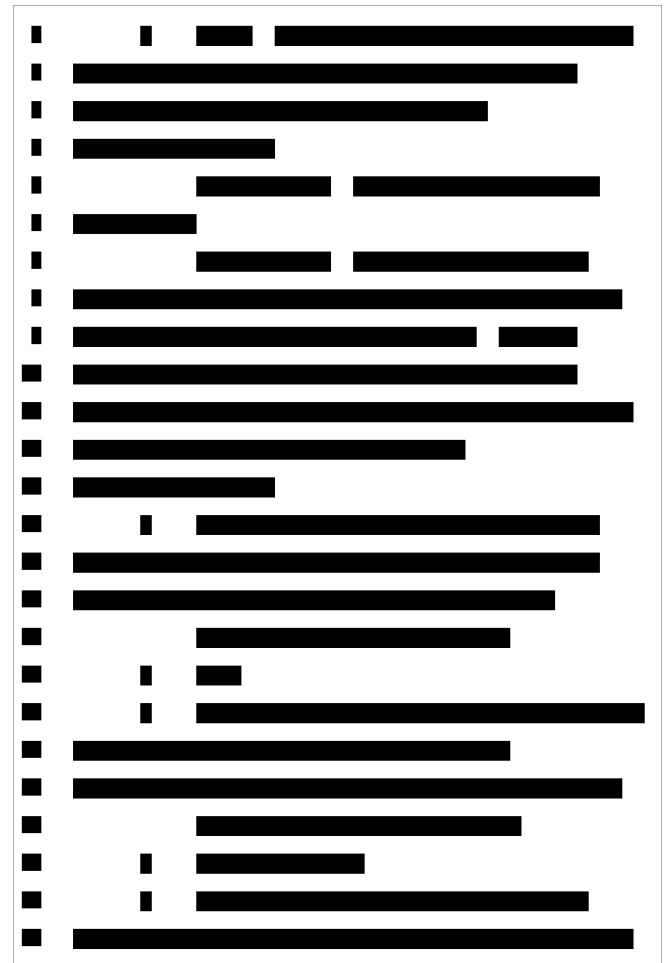
- 1 really don't think there is anything else I can
- 2 add here.
- 3 BY MR. ESFANDIARY:
- 4 Q So in that exercising your confidence in
- 5 the belief, or in the accuracy of the EPA's
- 6 assessment, if they decided that Roundup is a
- 7 carcinogen, do you think that it should come off
- 8 the market?
- 9 MR. PARISER: Same objections, improper
- 10 hypothetical, outside the scope, asked and
- 11 answered numerous times.
- 12 THE WITNESS: No, I think the -- the EPA
- would make that decision, because they would look
- 14 at it in the context of exposure. They would look
- at it in the context of overall -- of overall
- 16 risk. And they would -- they would make the
- 17 determination, based on -- based on the science
- 18 that they reviewed.
- 19 BY MR. ESFANDIARY:
- Q What do you think, though? Do you think
- 21 it should come off the market, if it's deemed to
- have a cancer risk, that EPA has deemed it to be a
- 23 carcinogen?
- MR. PARISER: Same objections, asked and
- answered.

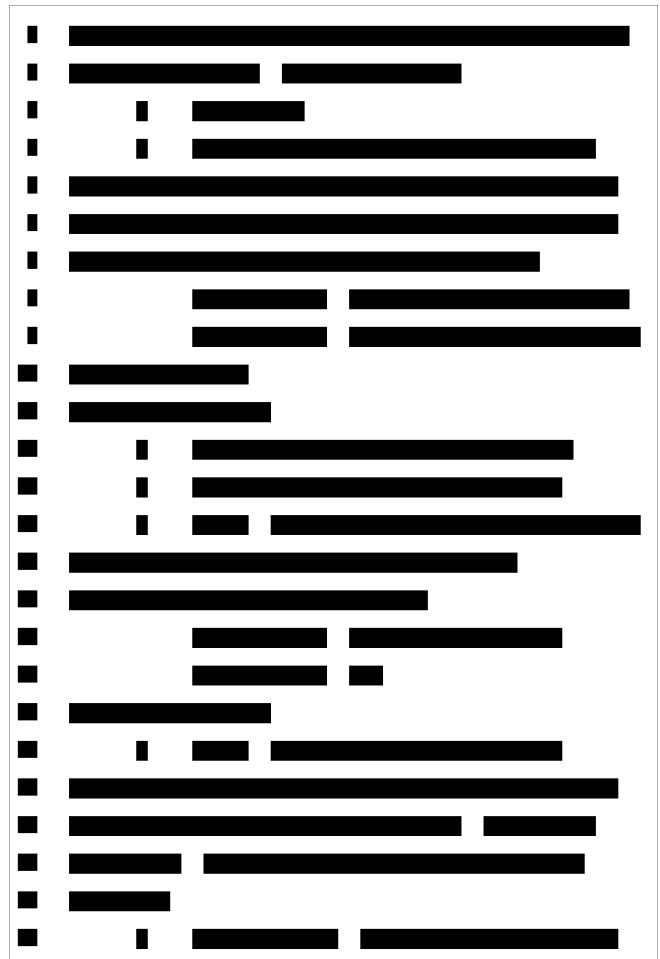
- - 1 BY MR. ESFANDIARY:
- 2 Q If you don't know, you don't know. You
- 3 can say that.
- 4 MR. PARISER: And I object to counsel's
- 5 instructing the witness.
- THE WITNESS: No. Sir, my answer would
- 7 be, if the EPA allows a product to stay on the
- 8 market, the EPA believes that that product -- that
- 9 product causes no unreasonable risk of harm to
- 10 human health or to the environment. If the EPA
- 11 continues to make that determination, the product
- should be on the market. But again, the EPA is
- going to look at that in a holistic way.
- 14 BY MR. ESFANDIARY:
- Q What -- what if it doesn't make that
- 16 determination?
- MR. PARISER: Objection, vague, improper
- 18 hypothetical, scope.
- THE WITNESS: Again, this would relate
- 20 to -- to any product.
- 21 BY MR. ESFANDIARY:
- 22 Q So you --
- 23 A If the EPA -- if the EPA determines that
- a product poses unreasonable risk, it won't be
- on -- it won't be on the market. And I think that

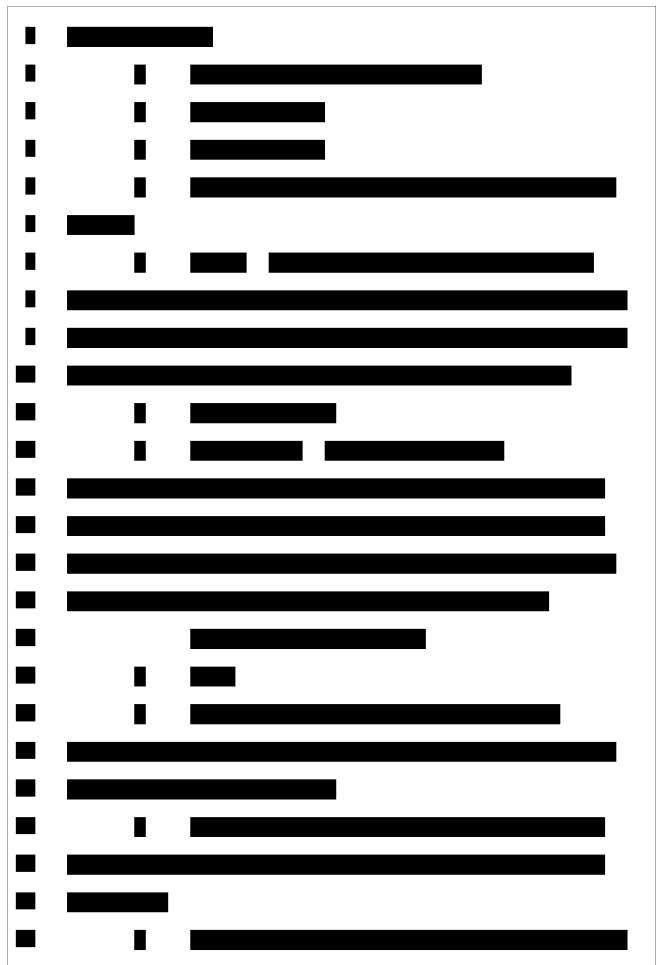
1 is -- that is the context under the laws, as I 2 understand it, for every product the EPA assesses.

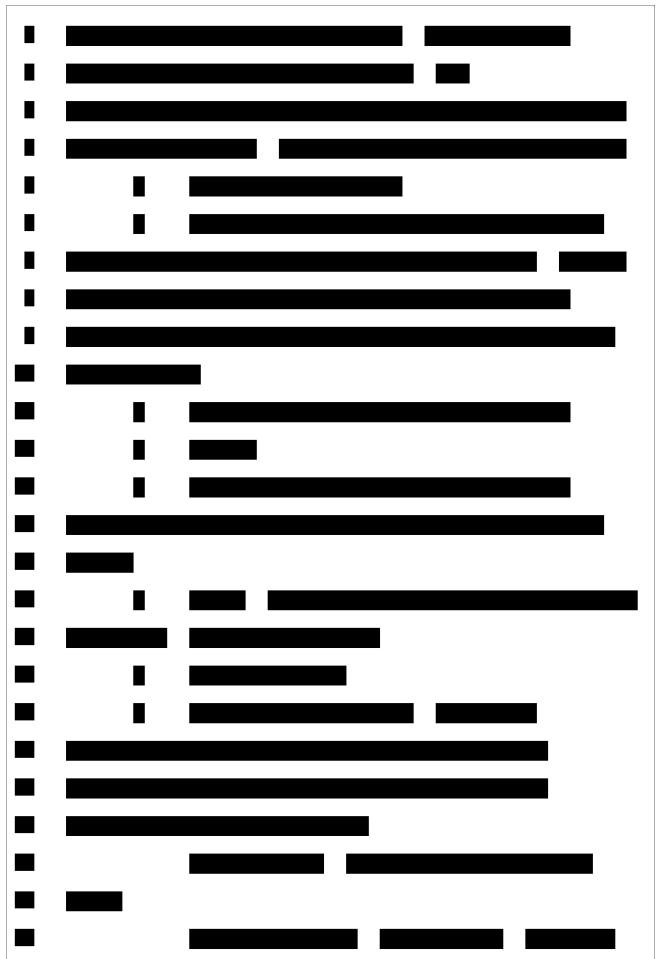


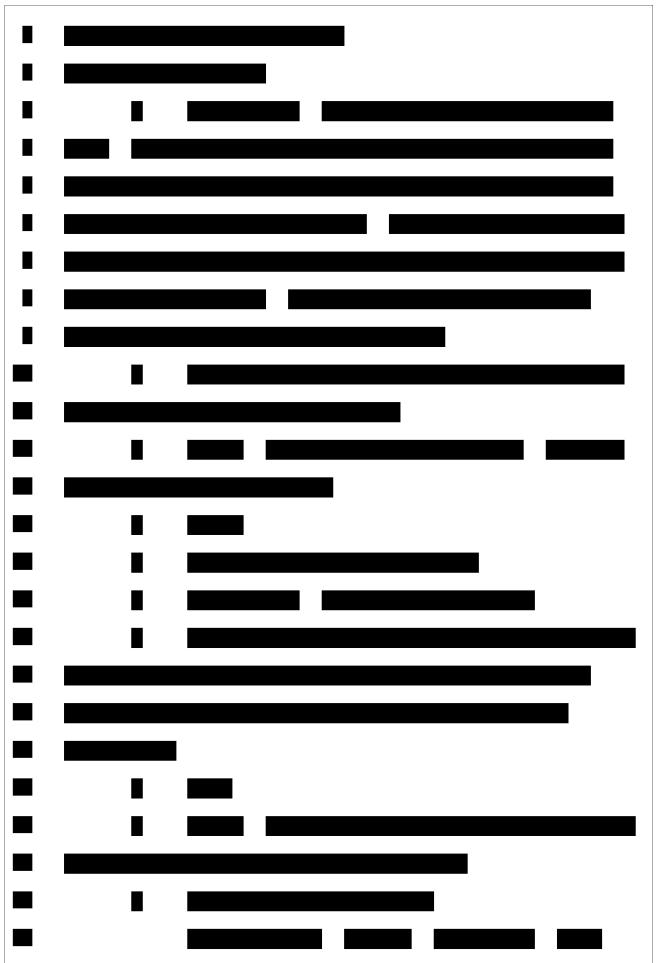


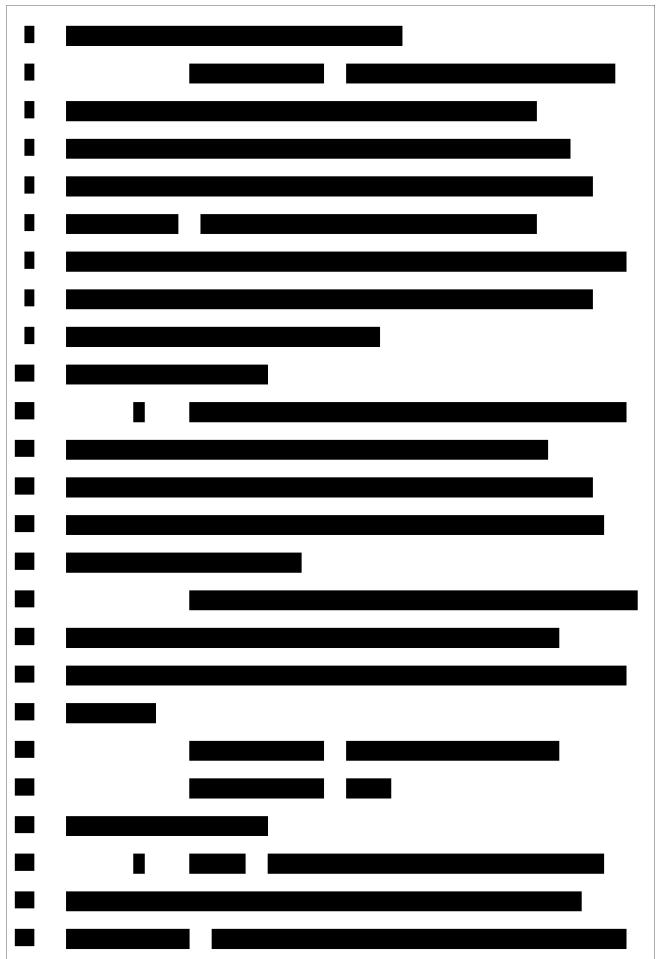


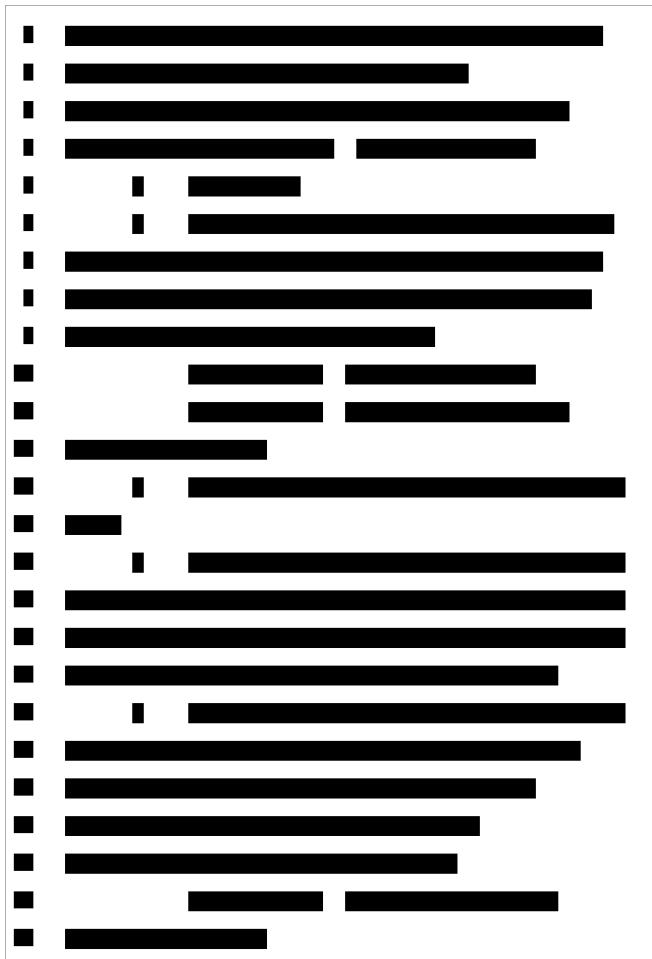


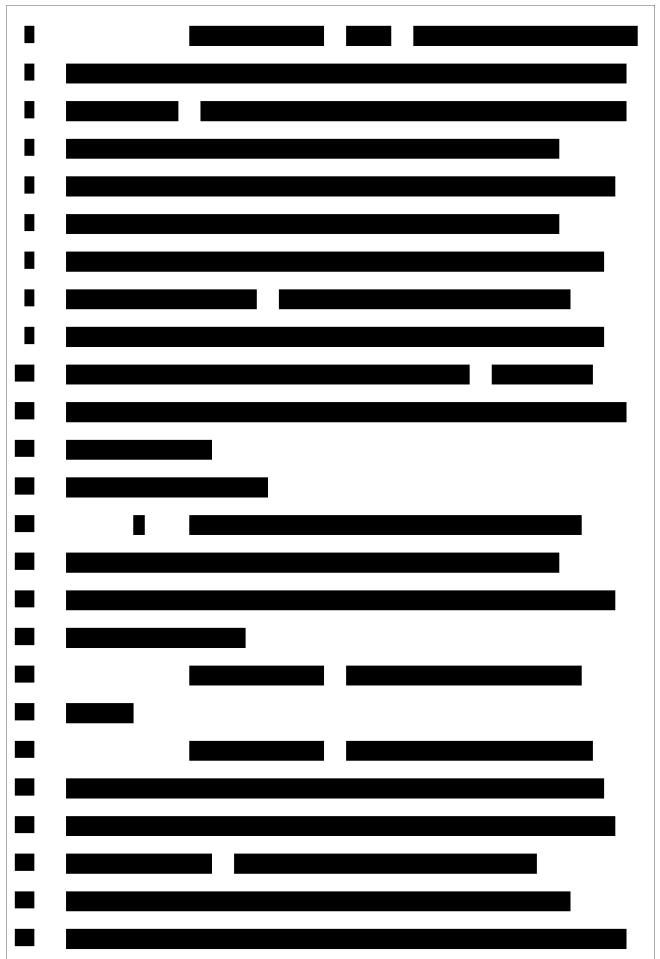




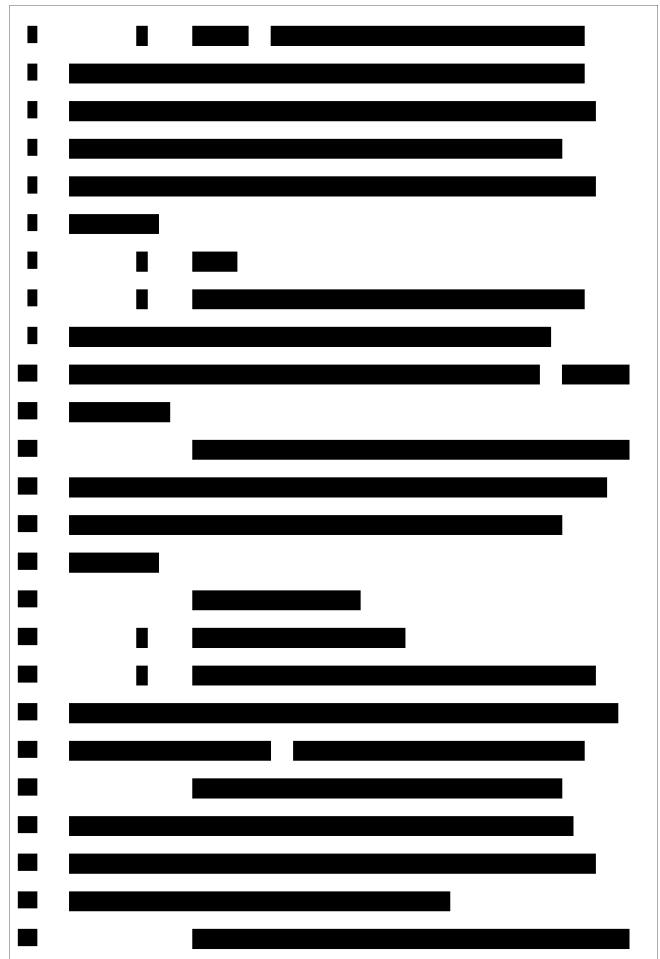


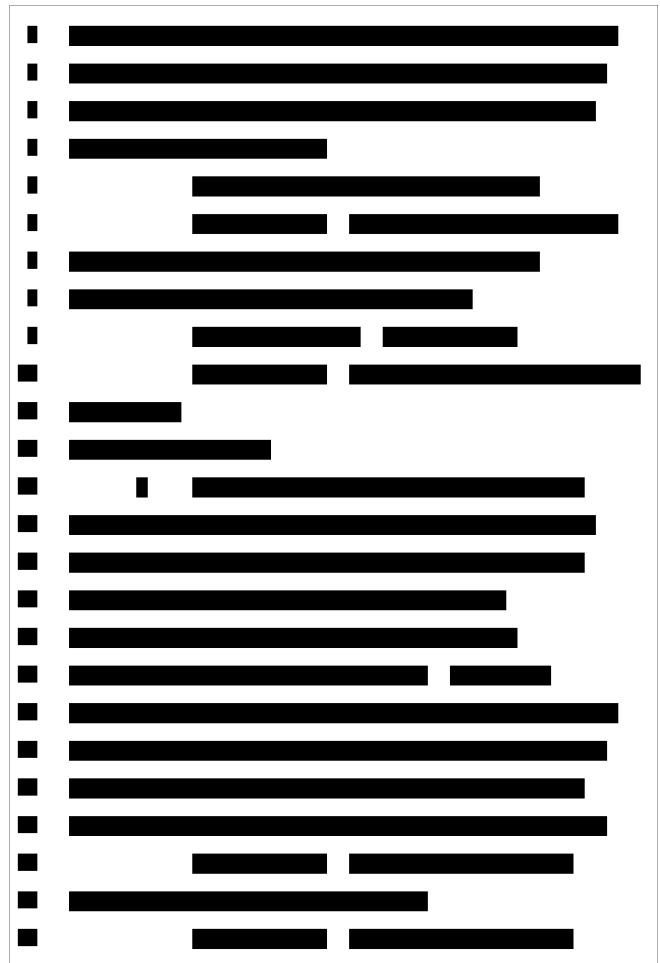


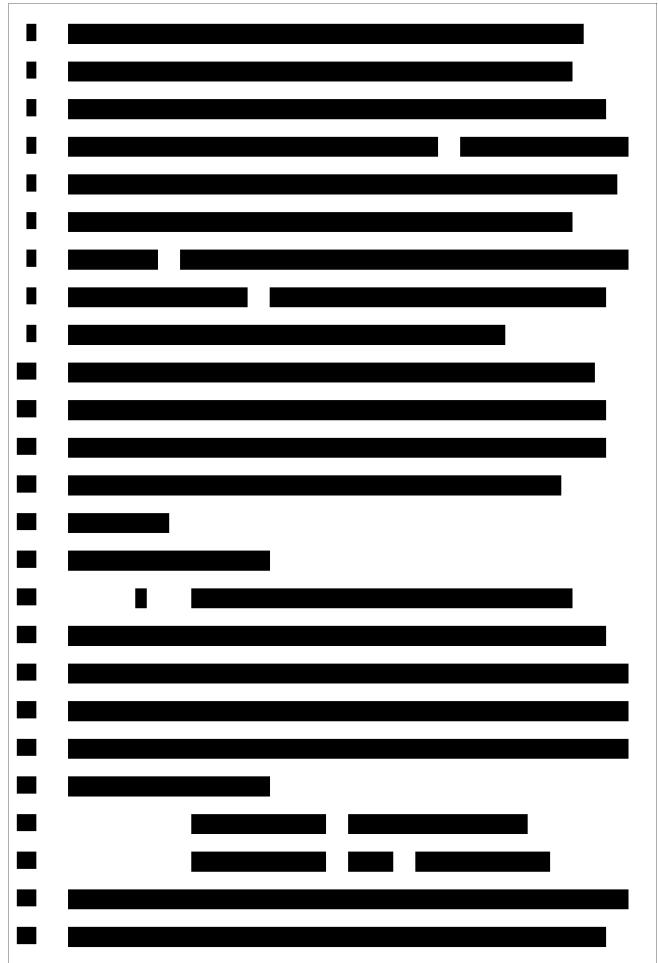


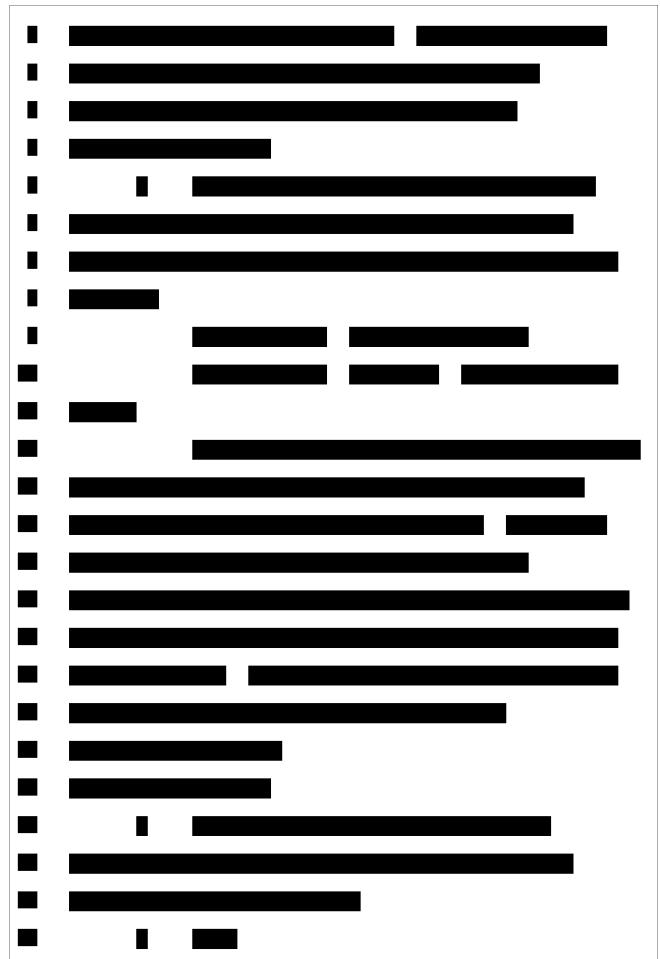


<del>-</del>









18 BY MR. ESFANDIARY: 19 I'm going to mark as Exhibit No. 15, the Q 20 following e-mail between you and others at 21 Monsanto. 22 (Murphey Exhibit No. 15 was marked for identification.) 23 24 MR. ESFANDIARY: Here's copies for 25 counsel there.

- - 1 BY MR. ESFANDIARY:
  - Q And you sent -- you've seen this
  - document before, I assume, because you sent both
  - 4 e-mails, correct, sir?
  - 5 A Yes.
  - 6 Q Okay. And this is MONGLY03315608, and
  - 7 it contains e-mail correspondence between Samuel
  - 8 Murphey and others at Monsanto, including
  - 9 Mr. David -- Dr. David Heering. The first e-mail
- is dated October 5th, 2015.
- And does this appear to have been
- 12 created during the ordinary course of Monsanto
- business, Mr. Murphey?
- MR. PARISER: Objection to form.
- THE WITNESS: Yes.
- MR. ESFANDIARY: I move this into
- 17 evidence as well.
- 18 BY MR. ESFANDIARY:
- 19 Q And you say at the bottom there, "Team,
- 20 as discussed on the weekly glyphosate call, the
- 21 first two post-IARC glyphosate personal injury
- lawsuits in the U.S. were filed in late
- 23 September."
- Do you see that, sir?
- 25 A Correct.

- 1 Q "One case was filed in New York, and
- 2 another in California. We had anticipated such
- 3 litigation for some time." Do you see that, sir?
- 4 A Yes.
- 5 Q So Monsanto had, by October 5th, 2015,
- 6 anticipated litigation related to the
- 7 carcinogenicity of glyphosate, correct?
- 8 MR. PARISER: Objection, outside the
- 9 scope. And you know, again, I'd instruct you not
- 10 to reveal the contents of any attorney/client
- 11 communications. But otherwise, you can -- you can
- 12 answer, to the extent you know in your personal
- 13 capacity.
- 14 THE WITNESS: Sure, in my personal
- capacity, yes, this is -- so October -- October
- 16 5th was, you know, more than six months -- or
- 17 right at six months from when the IARC opinion had
- 18 been published. And you know, I believe we were
- aware of some advertising that was -- was starting
- to be done, regarding potential litigation. So,
- yes, certainly by October 5th, we had -- we had --
- in this note, we had indicated we had seen the
- 23 first two cases filed.
- 24 BY MR. ESFANDIARY:

Q If you turn over the page, to Bates

- ending 609, and just for the record, this next
- line of questioning will direct -- will be related
- directly to your representative role on behalf of
- 4 Monsanto. You say, "If you receive questions from
- 5 employees or stakeholders, an appropriate response
- 6 is, while sympathetic to individuals experiencing
- 7 health problems, including those alleged by
- 8 plaintiffs in these cases, we believe that
- 9 glyphosate is safe for human health when used as
- 10 labeled, and that these suits are without merit.
- 11 Decades of experience within agriculture and
- 12 regulatory reviews, using the most extensive
- worldwide human health databases ever compiled on
- 14 an agricultural product contradict the claims in
- the suits, which we have vigorously defended." Do
- 16 you see that?
- 17 A I do.
- 18 Q And you're aware that plaintiffs in this
- 19 litigation were exposed to the formulated Roundup
- product, not just glyphosate, correct, sir?
- 21 A Correct.
- Q Do you recall why you made a decision to
- respond with the boilerplate language pertaining
- only to glyphosate, and not Roundup?
- MR. PARISER: Objection to form, scope.

- 1 THE WITNESS: I -- I don't recall, in
- the specific context of this statement, no. But
- 3 we certainly have data, such as the Agricultural
- 4 Health Study, that clearly shows no link between
- 5 glyphosate-based formulations and cancer either.
- 6 BY MR. ESFANDIARY:
- 7 Q Did you ever discuss -- have any
- 8 discussions with your Monsanto colleagues, where
- 9 it was expected that in media statements, Monsanto
- 10 steer clear from referring to "glyphosate-based
- formulations, " and use "glyphosate" instead?
- MR. PARISER: Objection to scope.
- THE WITNESS: No.
- 14 BY MR. ESFANDIARY:
- 15 Q When discussing -- let me rephrase.
- When discussing your response -- when discussing
- 17 Monsanto's response to the IARC classification,
- 18 was there a consensus within Monsanto to use
- 19 glyphosate when speaking of the classification, as
- opposed to GBFs?
- MR. PARISER: Objection, vague.
- THE WITNESS: I -- I think in the
- 23 context of IARC, our understanding was that the
- 24 IARC opinion dealt with the active ingredient.
- 25 And so some of our statements may have -- may have

- 1 focused on the active ingredient in that context.
- You know, but we certainly have made many
- 3 statements that deal with glyphosate-based
- 4 formulations as well.
- 5 BY MR. ESFANDIARY:
- 6 Q You're aware that IARC looked at
- 7 hundreds of genotoxicity studies that looked at
- 8 the formulated products, correct?
- 9 MR. PARISER: Objection to scope and
- 10 form.
- 11 THE WITNESS: I'm not exactly clear on
- what exactly IARC looked at, but my -- my
- understanding was that their opinion dealt with
- 14 the -- with the active substance.
- 15 BY MR. ESFANDIARY:
- 16 Q You're not exactly clear what IARC
- 17 looked at, but you are comfortable speaking to the
- 18 media about the flaws of the classification,
- 19 correct?
- MR. PARISER: Objection, argumentative.
- THE WITNESS: Yes, based -- based on my
- understanding, and my conversations with our
- 23 scientists.
- 24 BY MR. ESFANDIARY:

Q Mr. Murphey, Monsanto's ultimate goal is

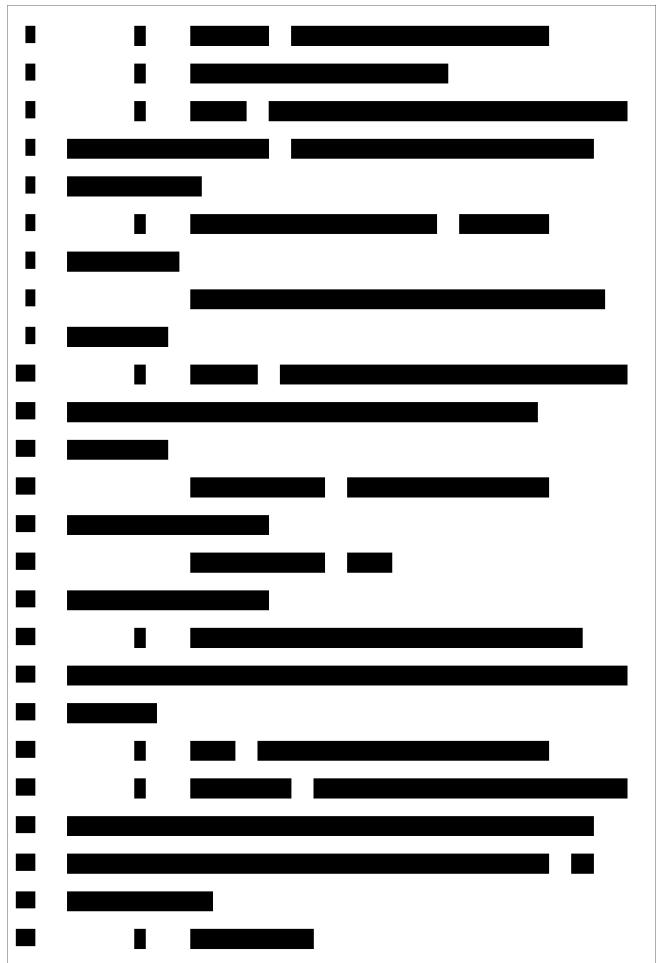
- 1 to defend freedom to operate for glyphosate
- 2 globally, while enabling growth of Monsanto's crop
- protection business, correct?
- 4 MR. PARISER: Objection, outside the
- 5 scope.
- 6 THE WITNESS: I -- I can't say that that
- 7 is Monsanto's overarching goal. I -- I do recall
- 8 that as a goal that I -- I once identified in my
- 9 plan as a priority that would be for my team.
- 10 BY MR. ESFANDIARY:
- 11 Q All right. I would like to switch gears
- 12 to -- I believe it's category number 18 on the PMK
- deposition notice. The Let Nothing Go campaign,
- 14 Monsanto's knowledge, positions, and conduct
- related to Let Nothing Go.
- Now, part of your corporate engagement
- 17 responsibilities at Monsanto involved coordinating
- 18 the Let Nothing Go campaign, correct, sir?
- 19 A Yes, I would say I was one of the people
- on point for that effort.
- 21 Q Can you please define the Let Nothing Go
- campaign for the jury?
- 23 A Sure. The Let Nothing Go effort focused
- on the European Union. And it was an initiative
- that involved carefully monitoring media coverage

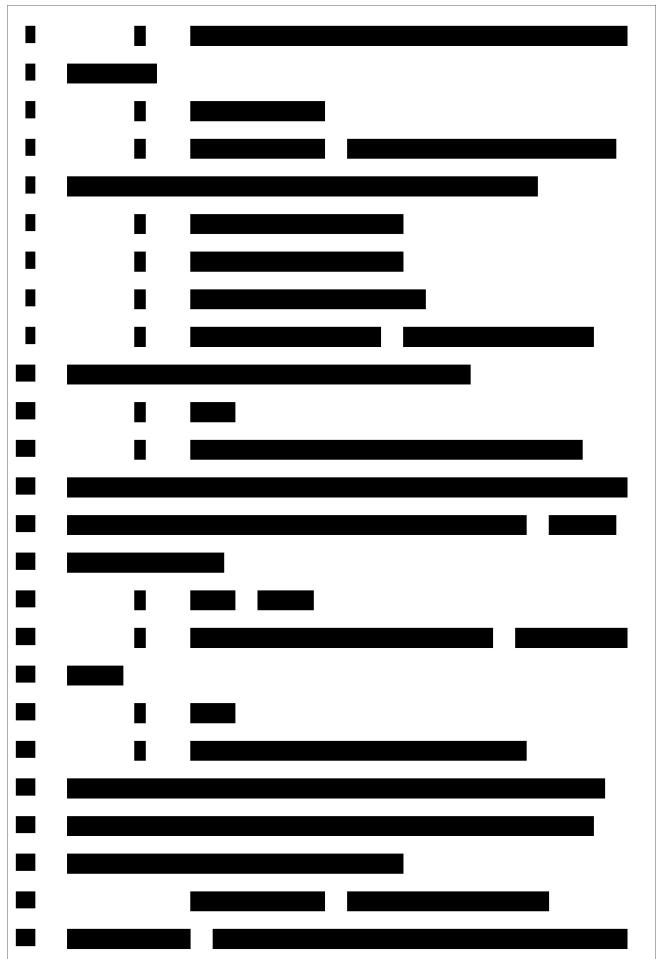
- about the company in multiple languages. We had a
- 2 number of markets we were -- we were prioritizing.
- 3 So media monitoring in those different languages.
- 4 Highlighting or flagging stories that contained
- 5 inaccurate information or misinformation about the
- 6 company or products, or stories that didn't
- 7 include the company's perspective or point of
- 8 view.
- 9 And then following up with those
- 10 reporters, proactively calling reporters in those
- instances, to share a statement, to provide some
- 12 additional context, and to encourage those
- 13 reporters to contact us in the future.
- 14 Q Let's just break down the answer a
- 15 little bit. So part of the Let Nothing Go
- initiative, would that involve Monsanto pushing
- 17 for positive stories about its glyphosate-based
- 18 formulations in the media?
- MR. PARISER: Objection to form.
- THE WITNESS: In -- in some contexts,
- 21 there -- there might have been proactive --
- 22 proactive outreach, or asking -- you know, asking
- a reporter to think about an idea for a story in
- the future. But I would say, principally, the
- focus was -- that monitoring and that reaction

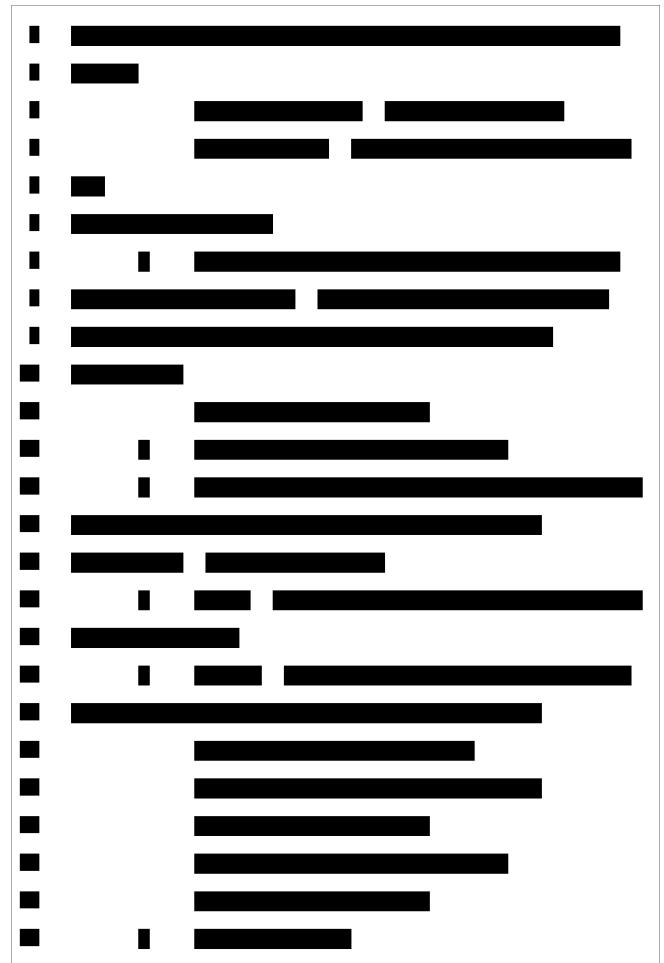
(-3) - (-7) (--) (--) (--) (--) (--) (--)

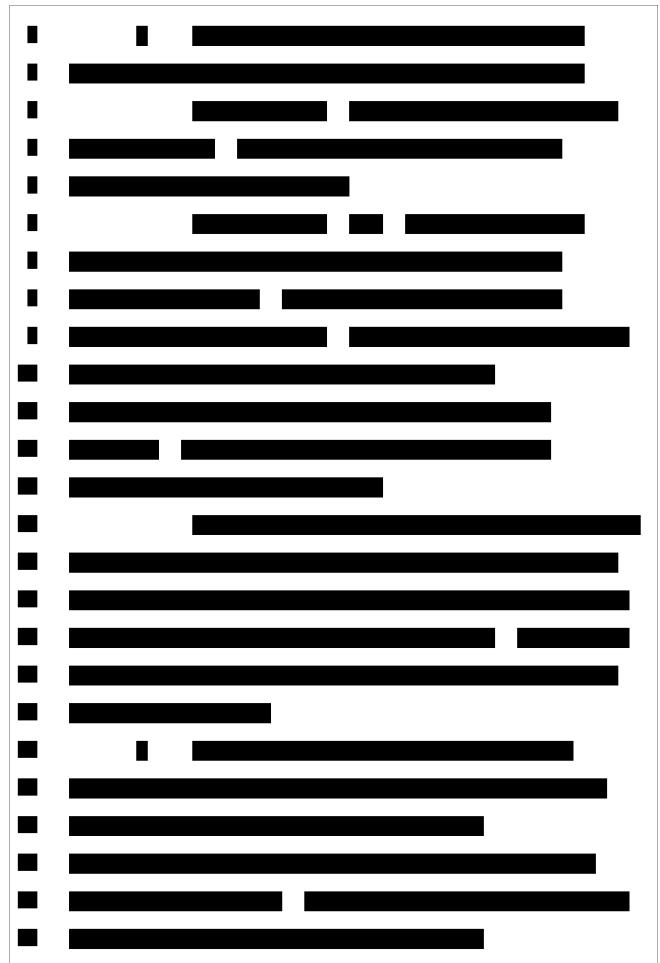
- - 1 that I described.
  - 2 BY MR. ESFANDIARY:
  - 3 Q And did the Let Nothing Go campaign
- 4 invest in communication tactics targeted --
- 5 targeted to consumers of Roundup?
- 6 A It more -- so it focused on kind of both
- 7 mainstream and agricultural trade publications.
- 8 So, yes, to the extent that a consumer -- again,
- 9 we're talking about the European Union. To the
- 10 extent that a consumer might see an article about
- 11 glyphosate or Roundup in a -- in a mainstream
- 12 publication, it would involve -- it would involve
- that type of consumer audience.
- 14 Q Did the Let Nothing Go campaign involve
- making Monsanto's opponents uncomfortable?
- MR. PARISER: Objection to form.
- 17 THE WITNESS: No, I don't think that's
- 18 an accurate characterization. I think it was
- 19 the -- the effort was much more about realizing,
- in the European context, there was a significant
- amount of coverage on glyphosate, as we discussed
- 22 earlier. This renewal process was occurring.
- 23 Glyphosate was receiving a tremendous amount of
- coverage in -- in the media. And this effort was
- more focused on reaching out and trying to achieve

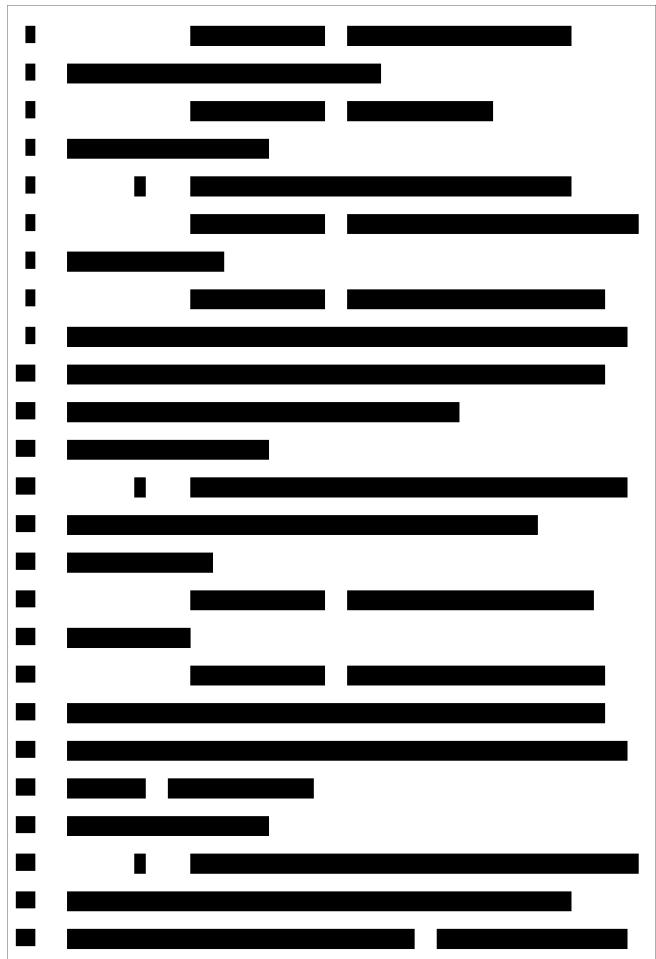
accuracy and balance in that reporting. 1 2 BY MR. ESFANDIARY: Before we move on, have you been -- have 3 you ever received media training at Monsanto 4 Company? 5 6 I have not. Α 7 You have not? Have you ever received Q any kind of training pertaining to sticking to the 8 answer, regardless of the question? 9 10 Objection, vague. MR. PARISER: 11 THE WITNESS: No. 12 BY MR. ESFANDIARY:

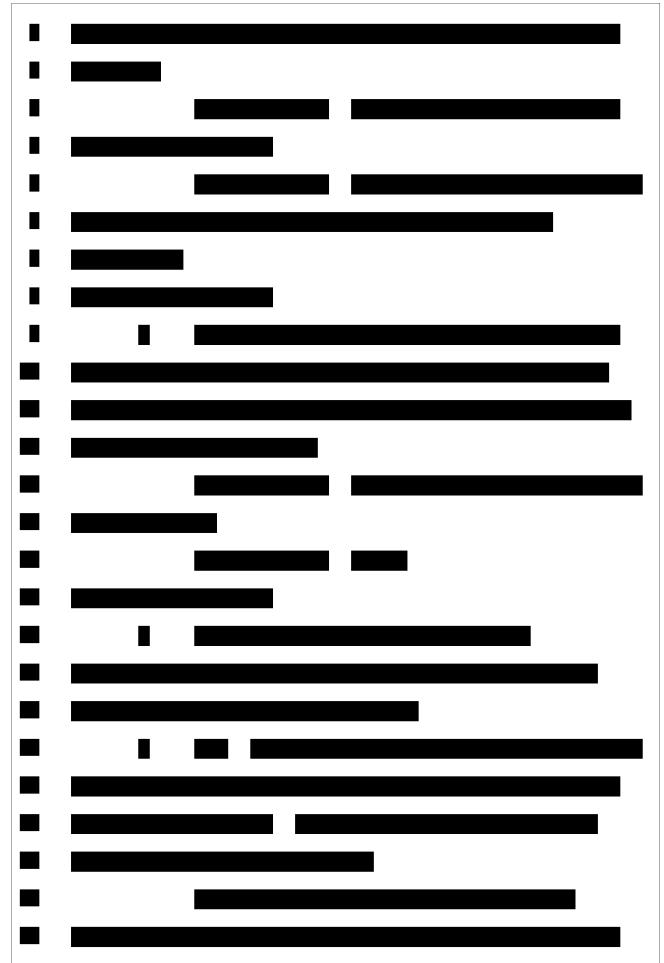


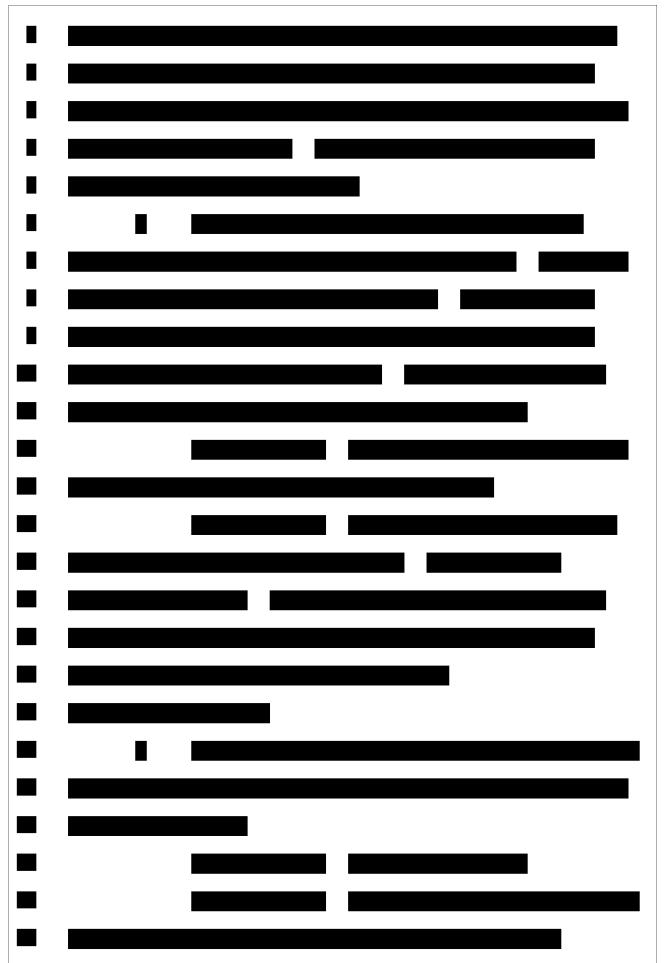


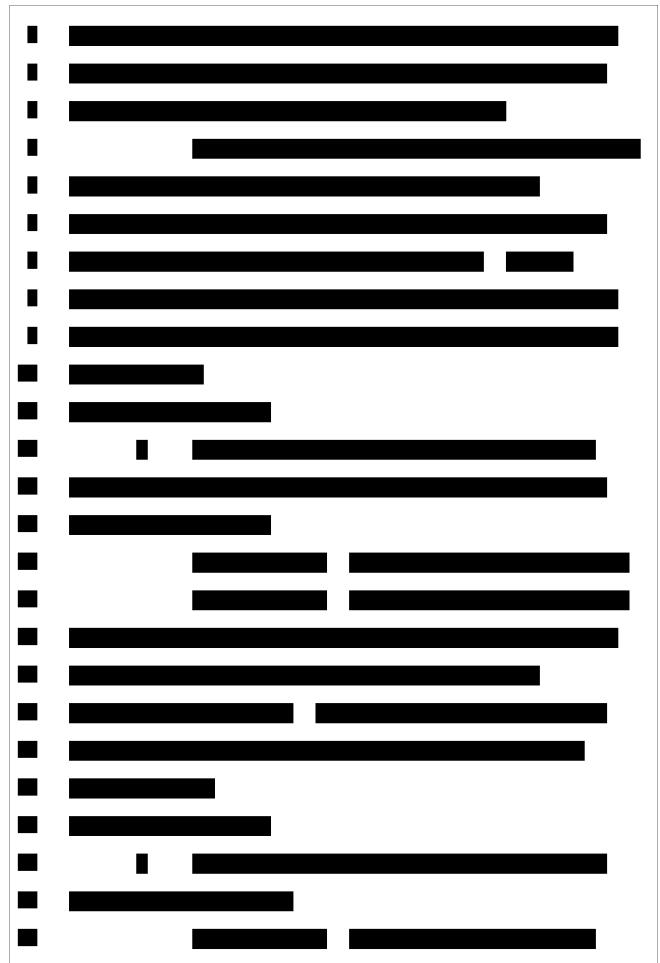


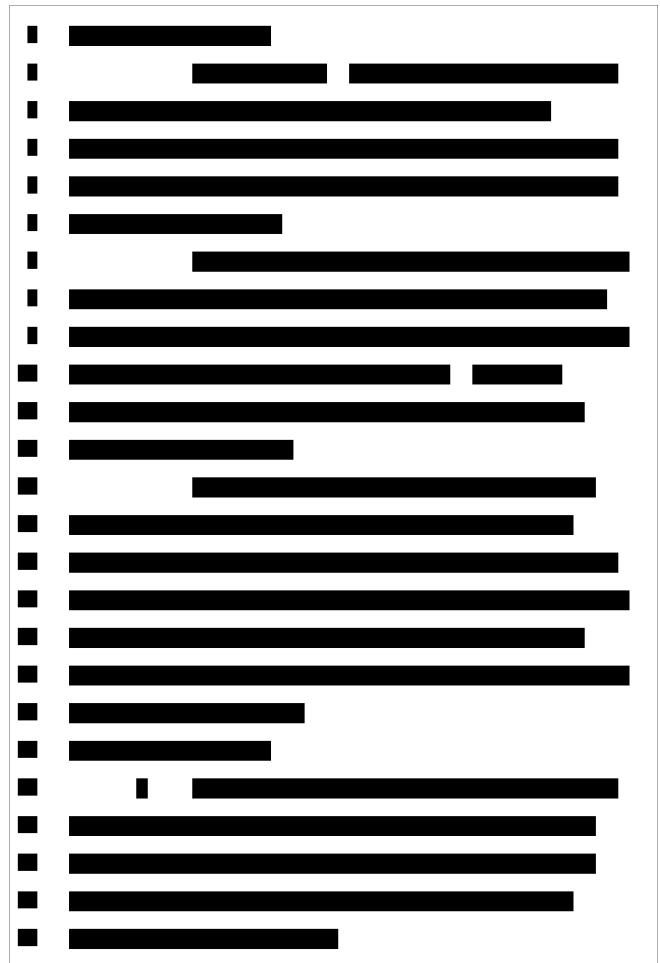


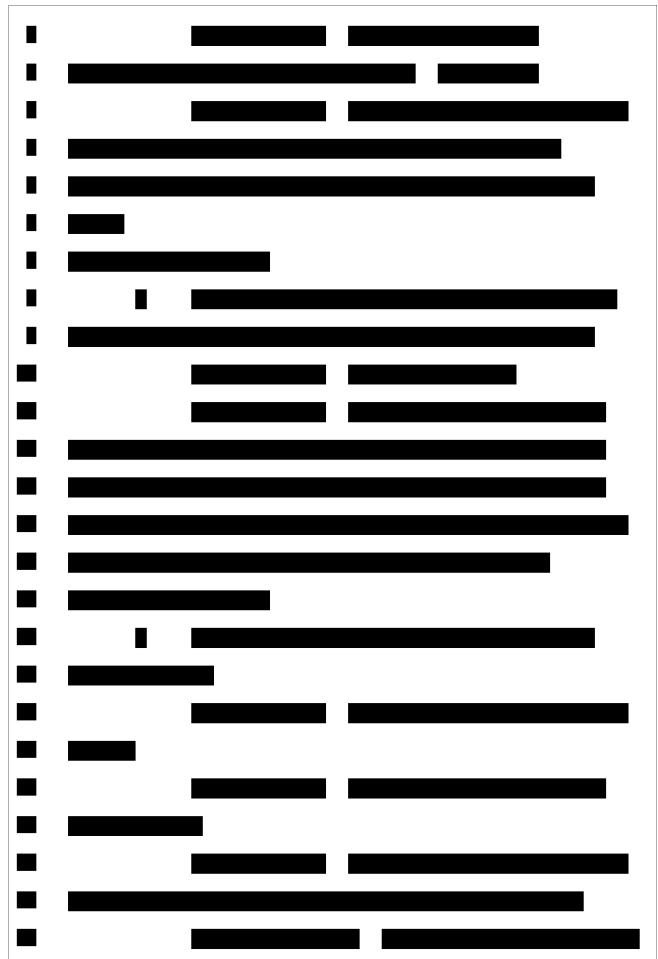


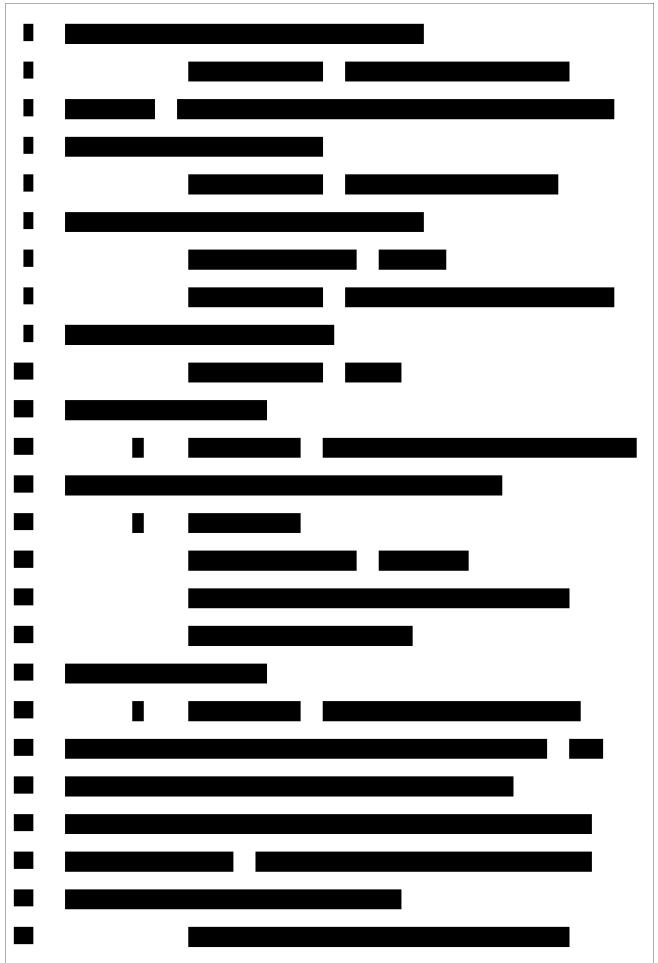


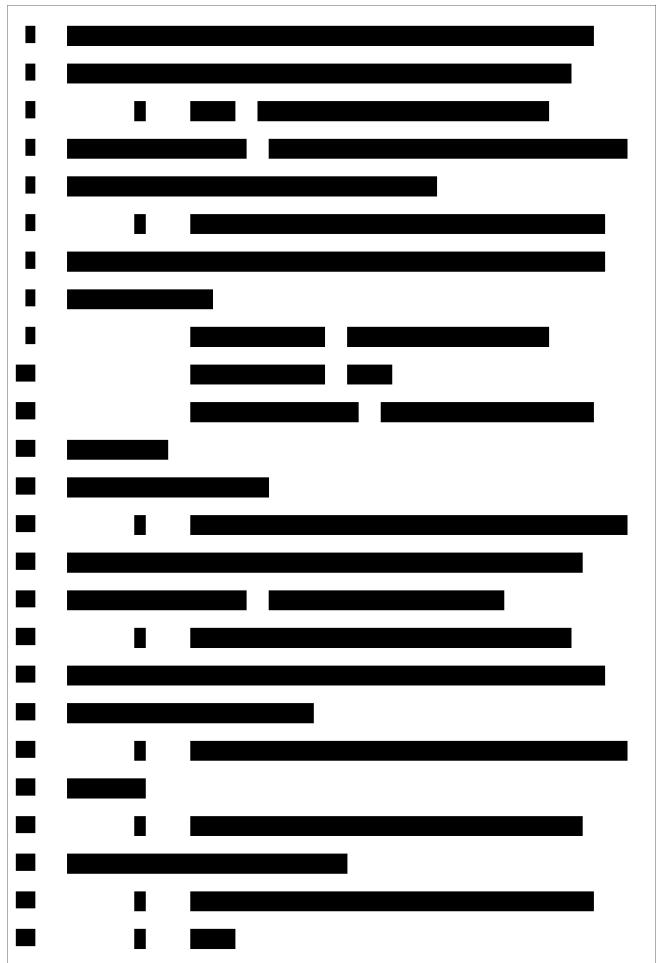


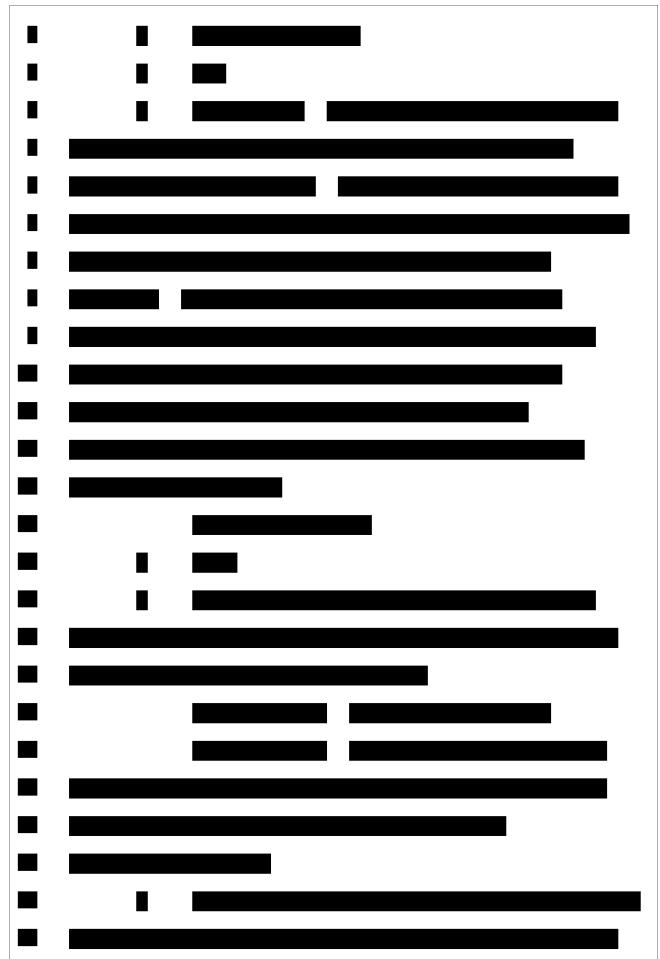


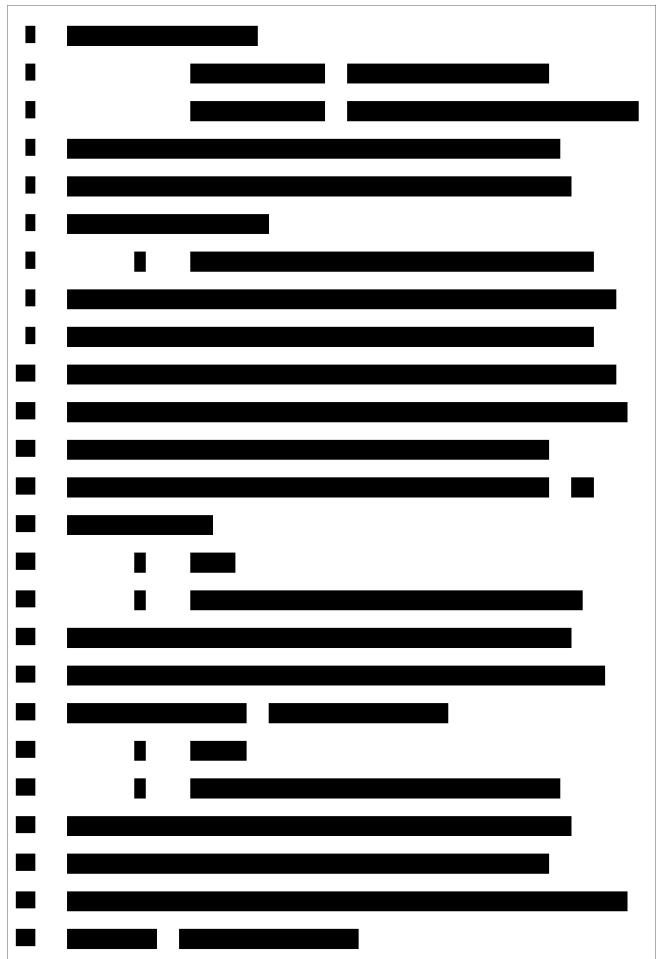


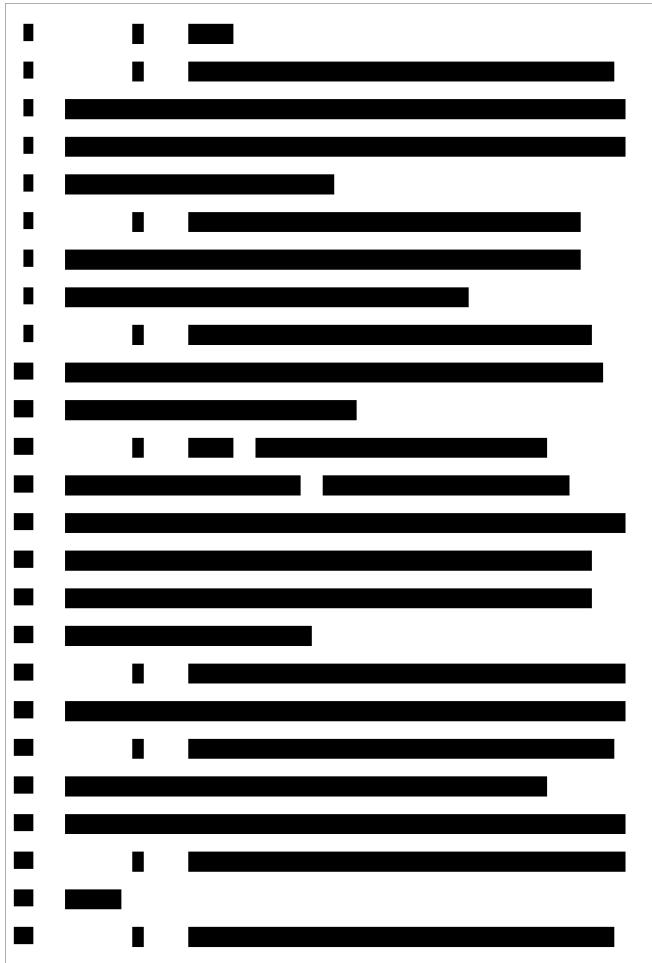


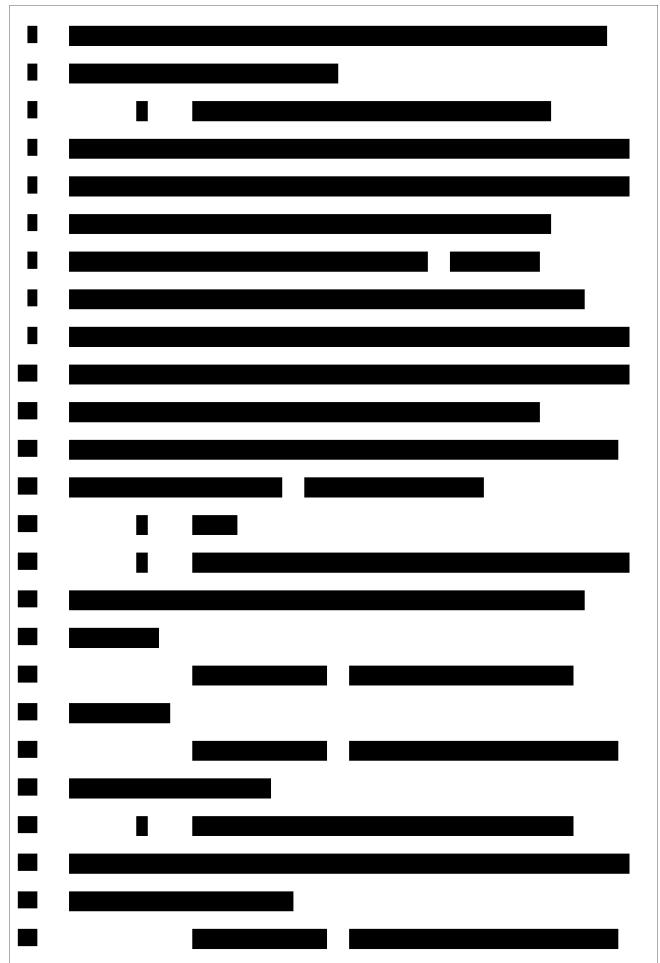


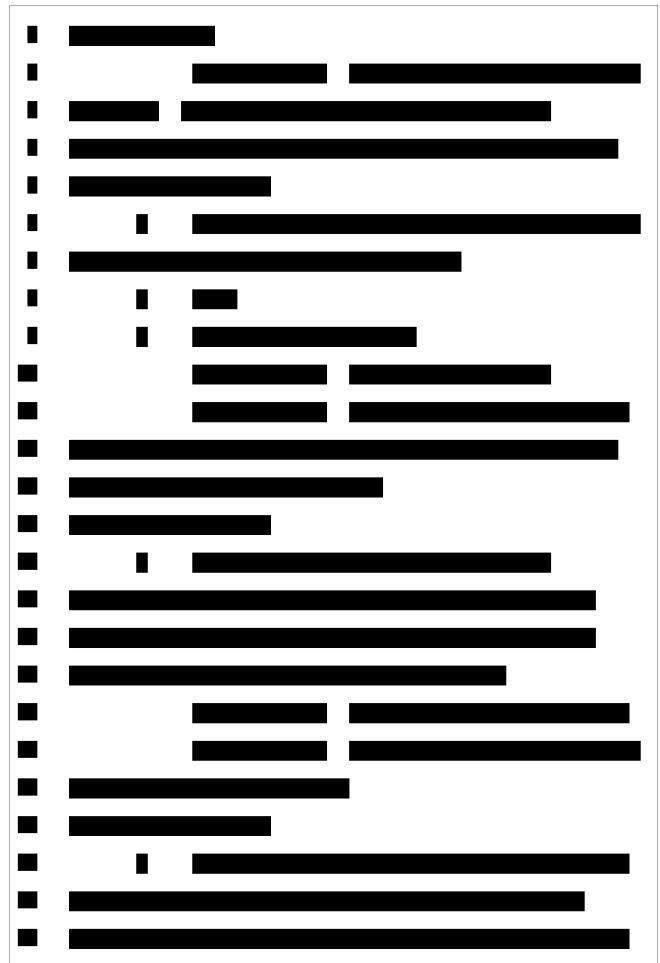


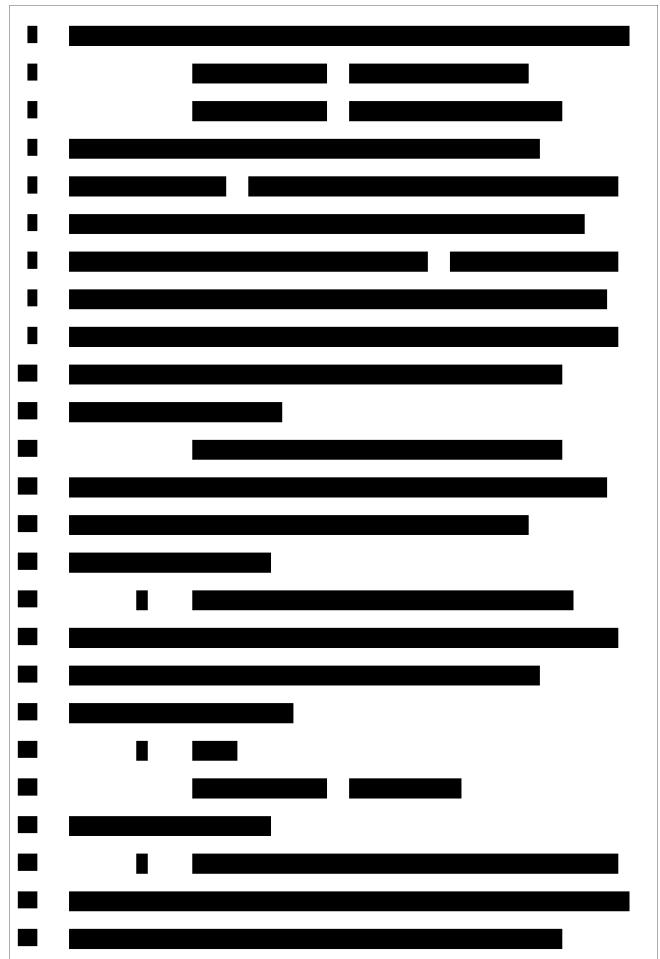


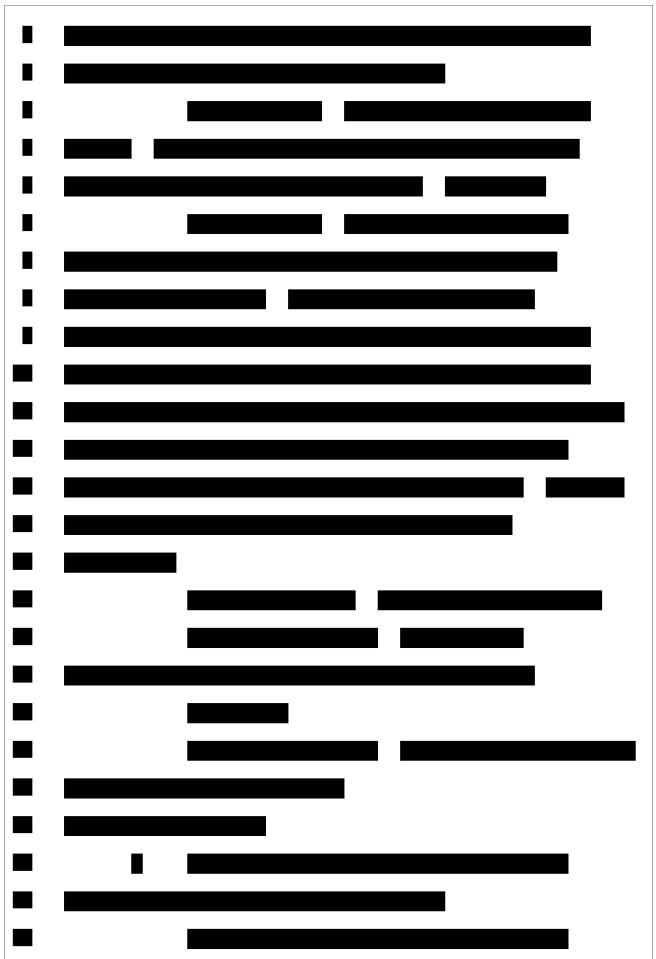


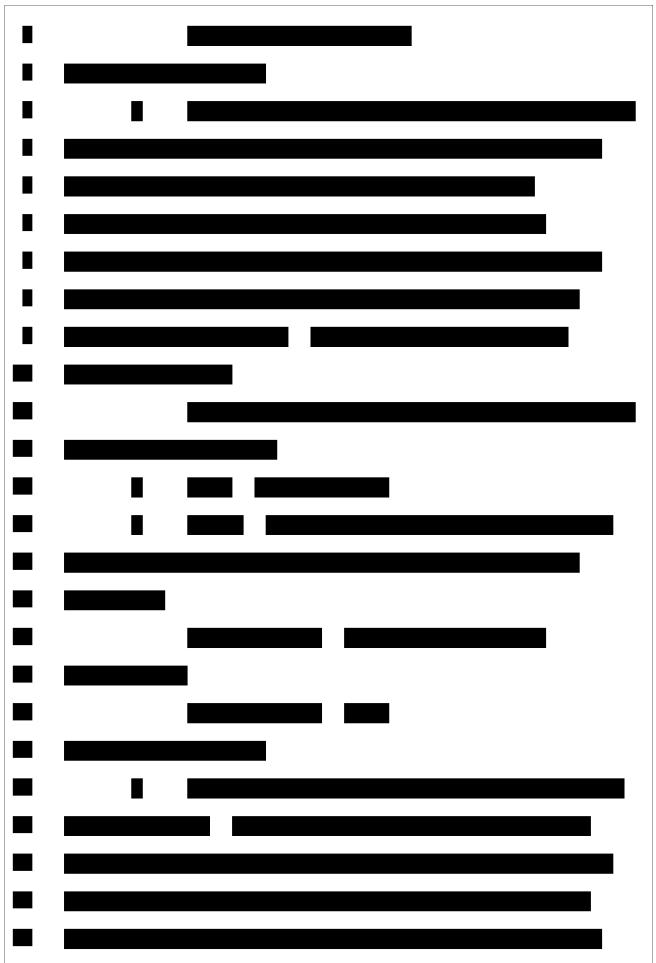


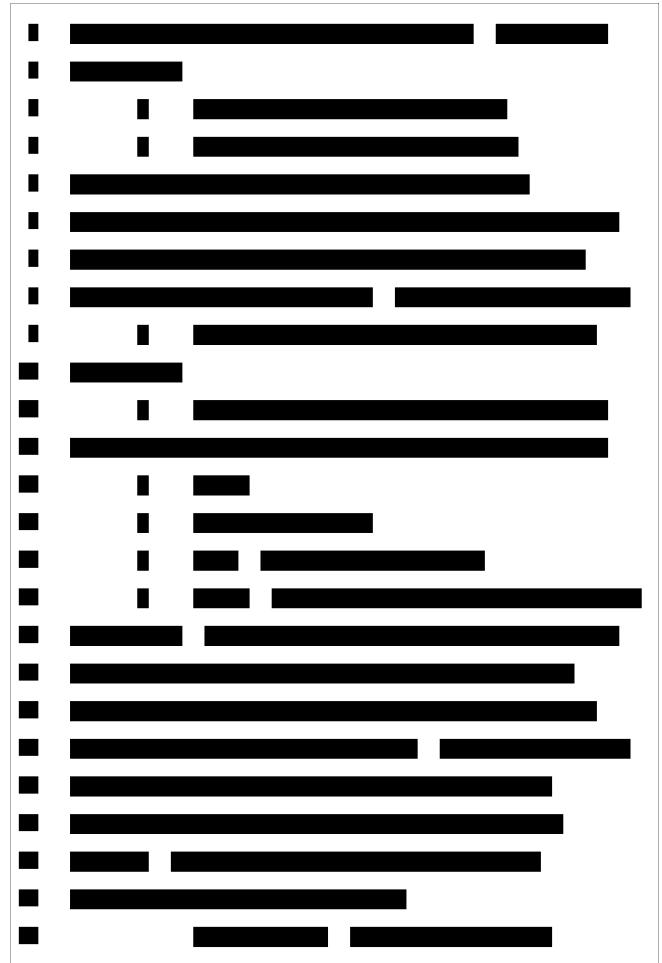


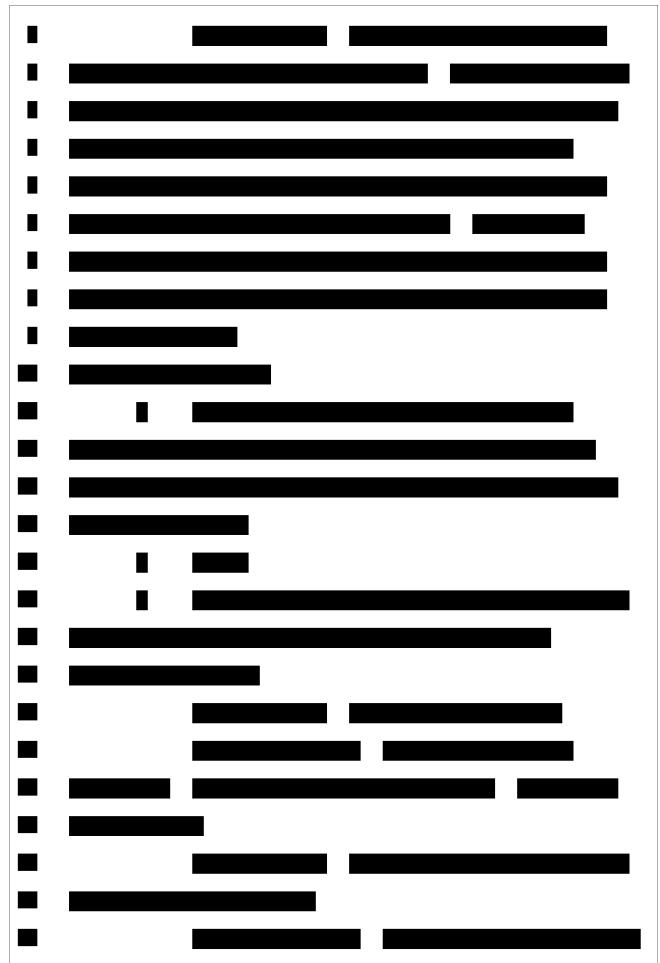


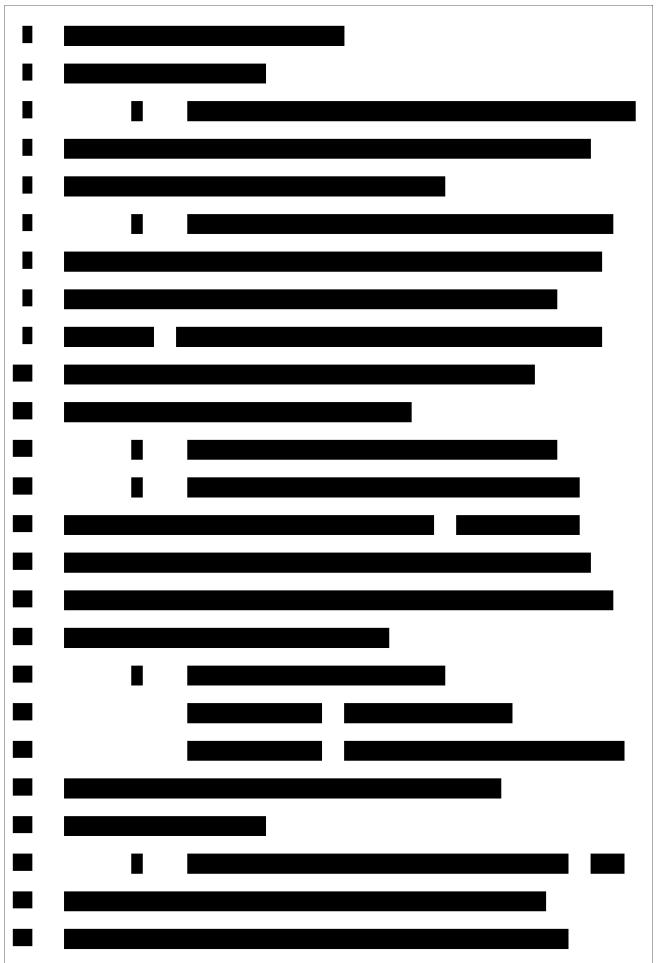


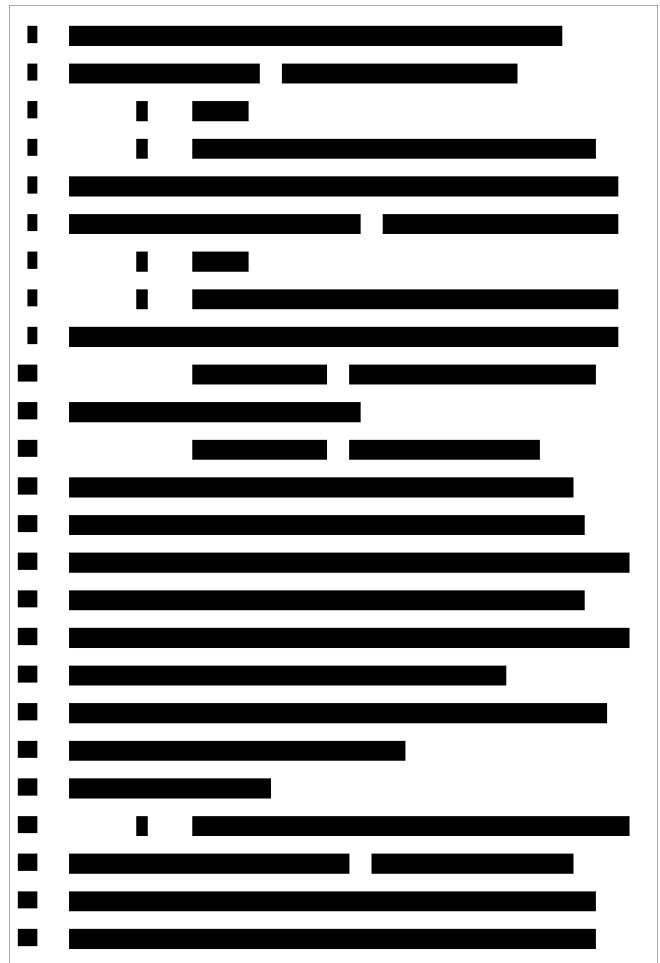


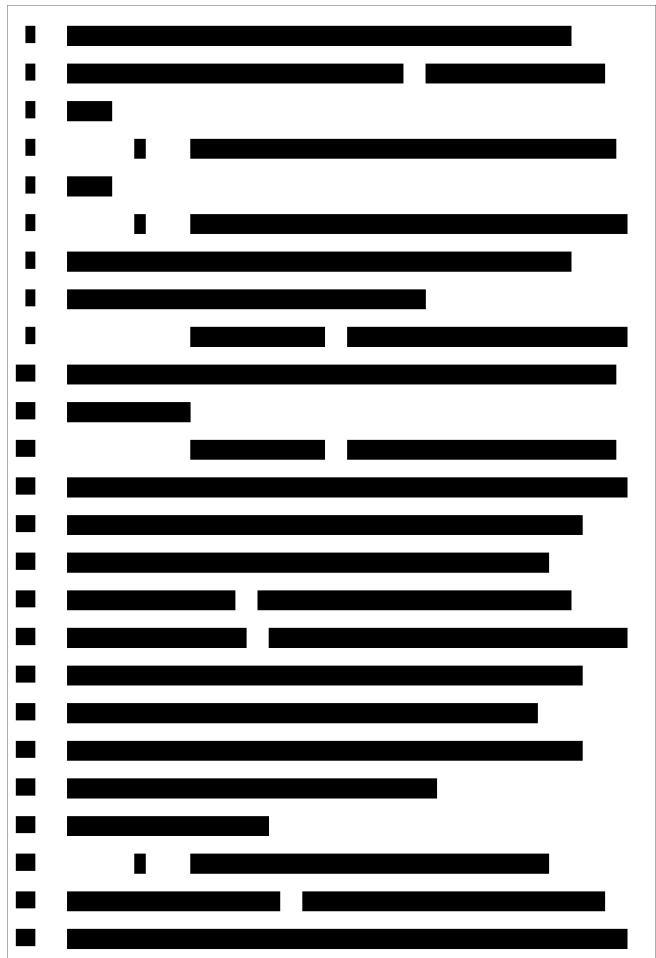


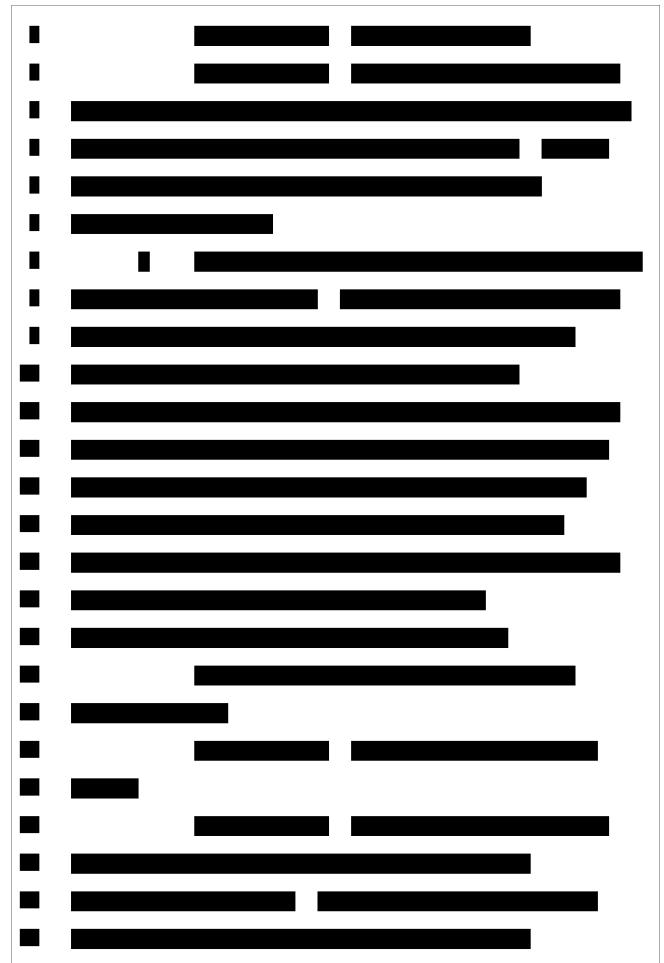






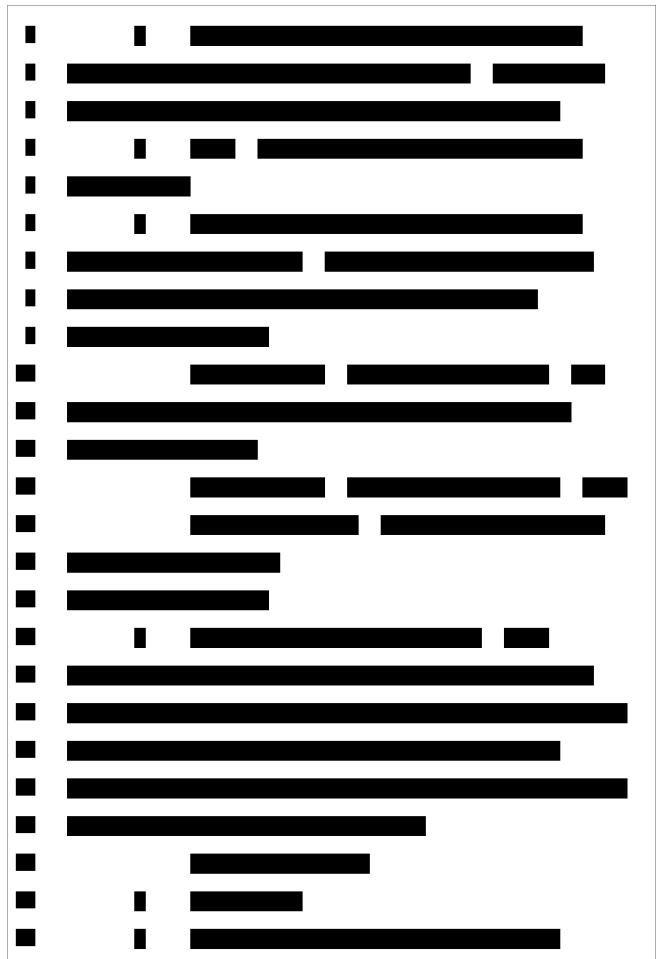


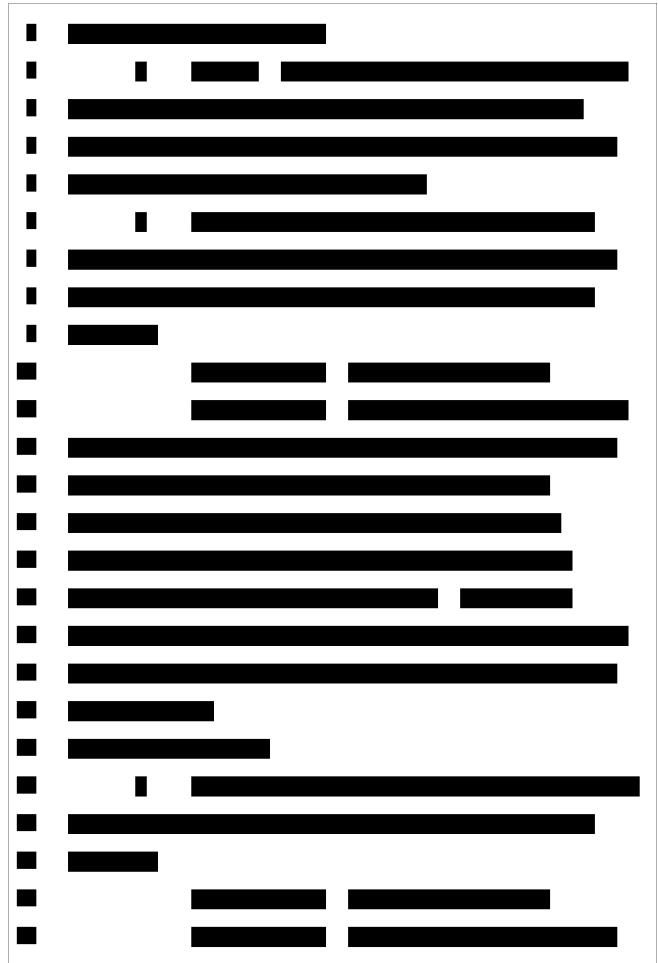


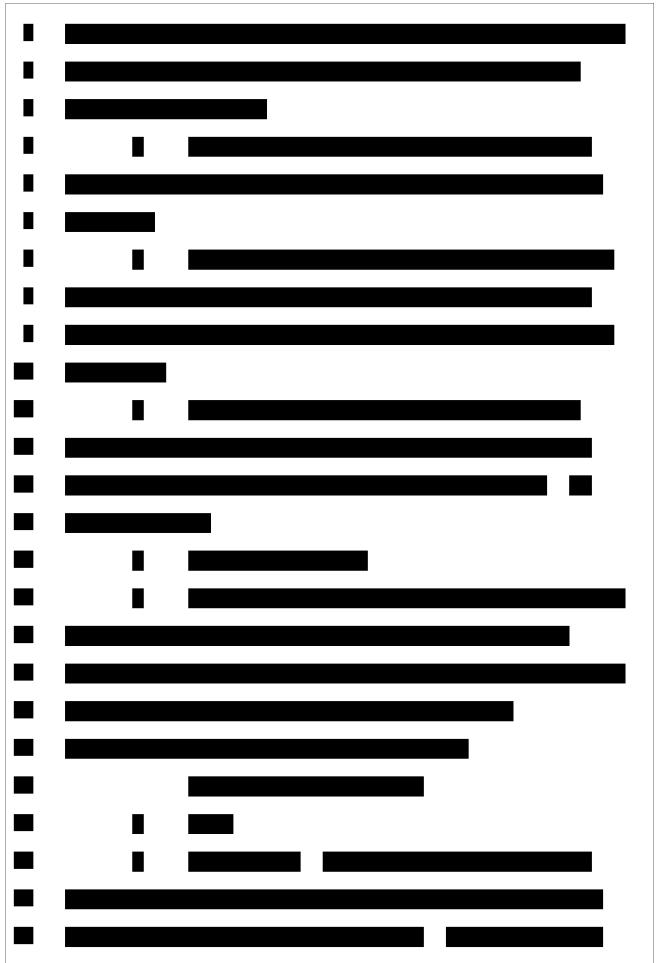


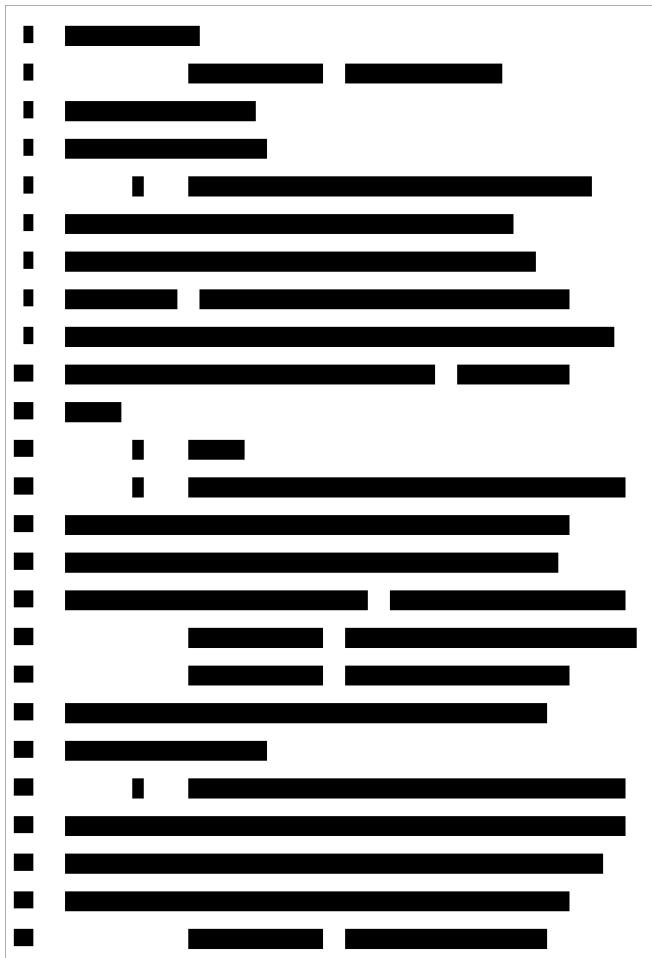
7 All right. Let's move on to Exhibit Q No. 19. (Murphey Exhibit No. 19 was marked 9 10 for identification.) 11 BY MR. ESFANDIARY: 12 All right. This is MONGLY0348790. It contains e-mails and attachment -- e-mails sent by 13 Samuel Murphey. The first one is dated May 21st, 14 15 2016. And it's -- the subject is Germany 16 outreach. 17 Do you recall sending these e-mails, 18 Mr. Murphey? 19 I -- I don't necessarily recall sending 20 the individual e-mails, but I recall the conversation and the substance of what's being 21 22 discussed. Okay. And does this appear to have been 23 24 created during the ordinary course of Monsanto business? 25

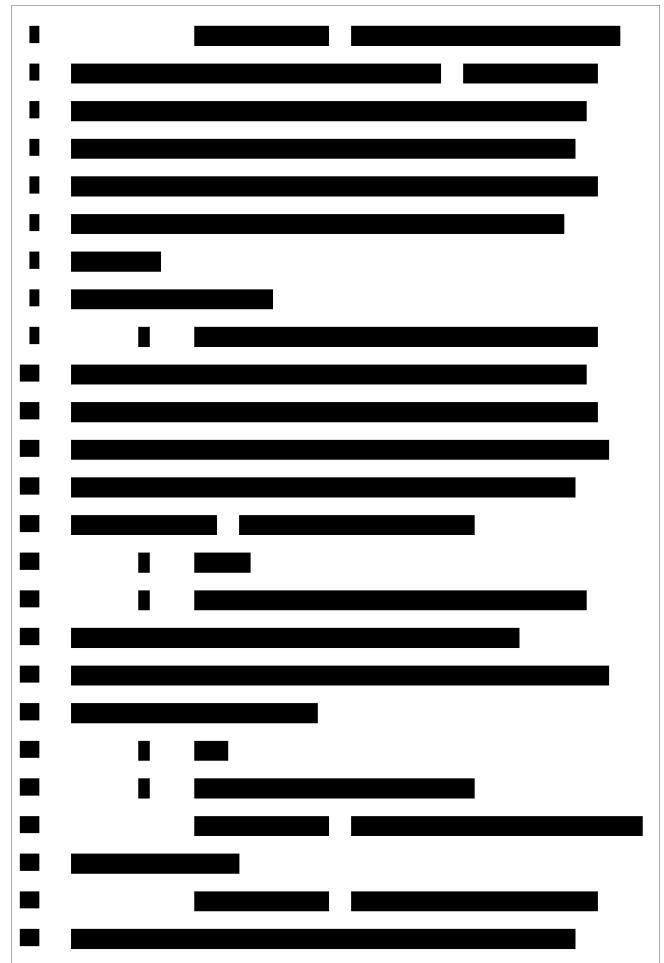
```
1
                MR. PARISER: Objection, form.
 2
                THE WITNESS:
                              Yes.
 3
                MR. ESFANDIARY: Okay. I move this into
 4
    evidence.
 5
    BY MR. ESFANDIARY:
 6
                And you say here, at the first e-mail,
 7
    at the bottom, "The corporate engagement lead in
 8
    Germany has worked with FleishmanHillard to
 9
    develop an expanded plan for targeted outreach in
10
    Germany to help move the government's position
11
    back to support for glyphosate renewal. FH," that
12
    is FleishmanHillard, "sent this to me for review
13
    today. The scope of work outlined in the plan
14
    moves beyond our previous focus on the media
15
    components of the 'Let Nothing Go' campaign and
16
    specifically focuses on direct outreach to
17
    political stakeholders."
18
                Do you see that?
19
          Α
                I do.
```

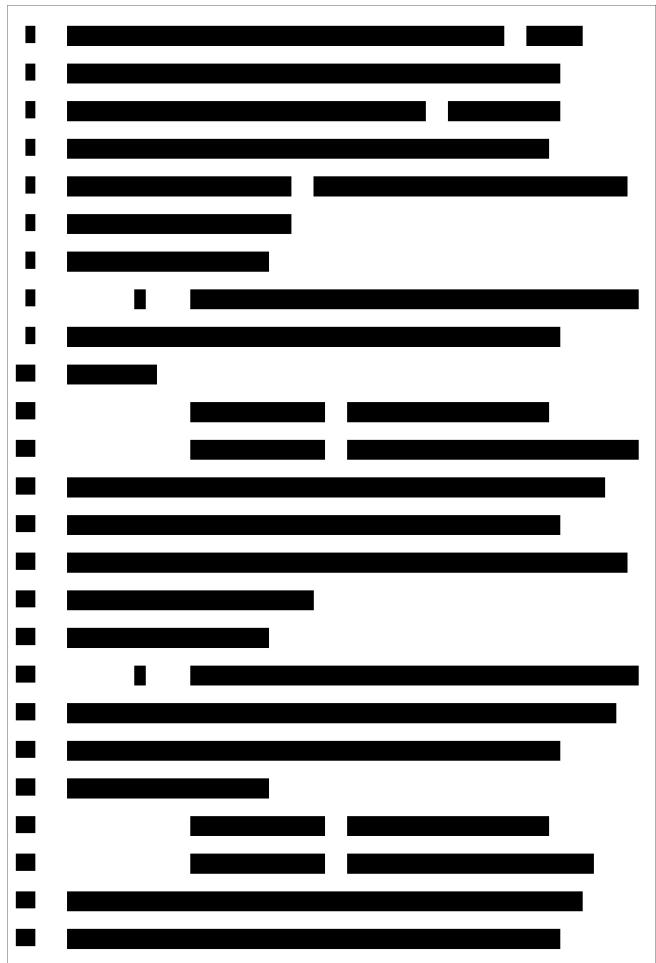


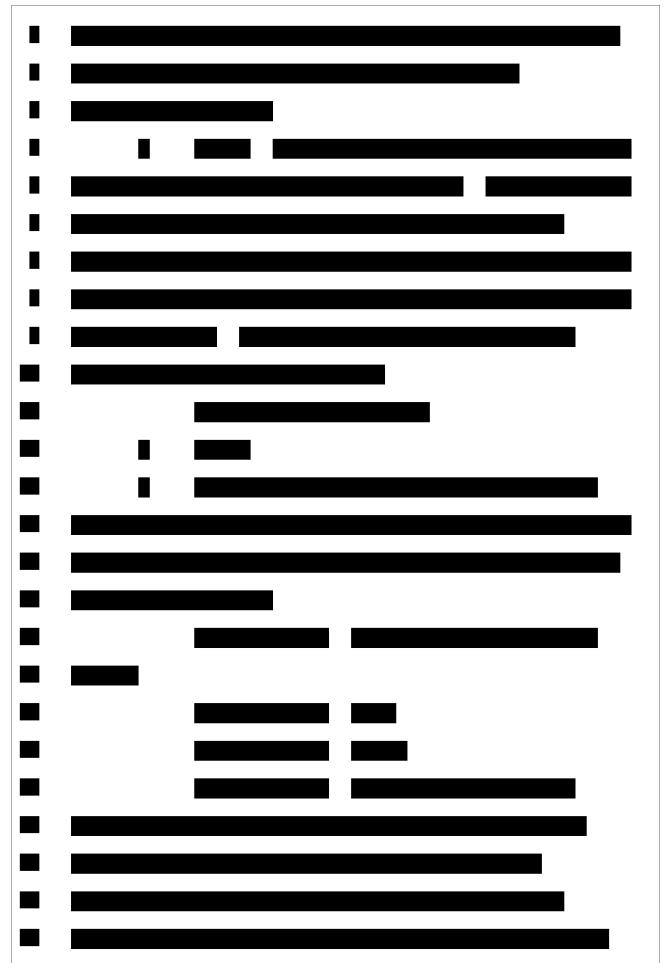


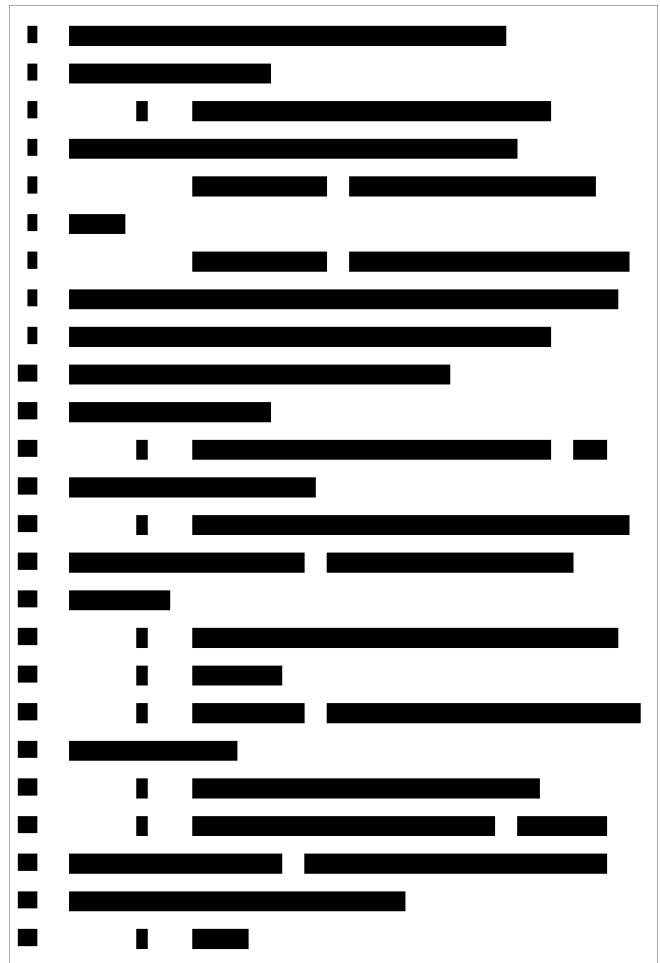


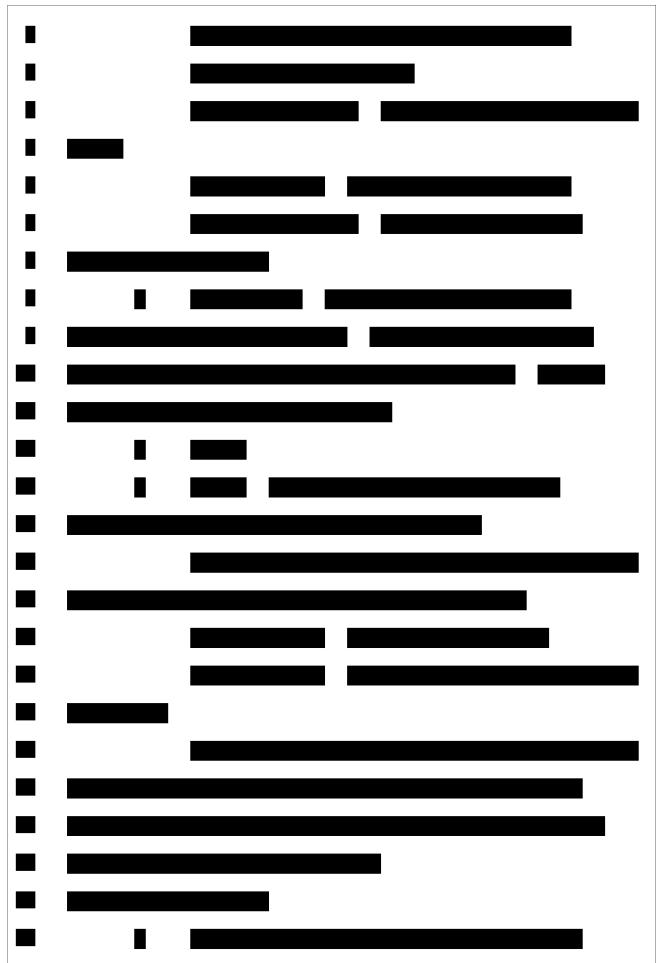












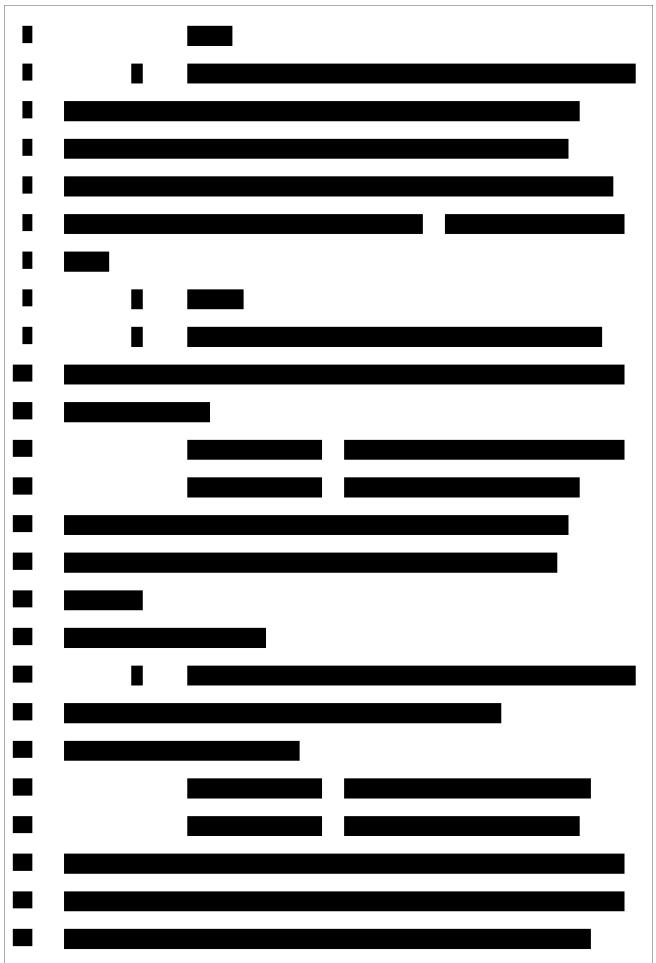
- Q Okay. You can put that aside.
- All right. Mr. Murphey, just for the
- 4 record, I am concluding the portion of the
- 5 corporate representative deposition. I'm going to
- 6 move into questions about your individual
- 7 capacity, although I'm reserving the right to
- 8 resume to asking questions on your representative
- 9 behalf later on if I feel the need to, okay?
- MR. PARISER: Do we have a copy of the
- 11 notice to mark, just to be clear. And also,
- 12 Counsel, just to make sure we're both on the same
- page, we'll do one direct at the end of the
- examination, and I'll just make clear when my
- questioning pertains to, you know, his 30(b)(6)
- 16 role, his individual role, or both.
- MR. ESFANDIARY: Jerry?
- MR. KRISTAL: That's fine with me, as
- 19 long as it's clear.
- MR. PARISER: Thank you.
- MR. ESFANDIARY: All right.
- MR. KRISTAL: I mean, it's all going to
- come in, one way or the other, or not, obviously.
- 24 And it's only a question of what import can be
- attributed to an answer, that's all.

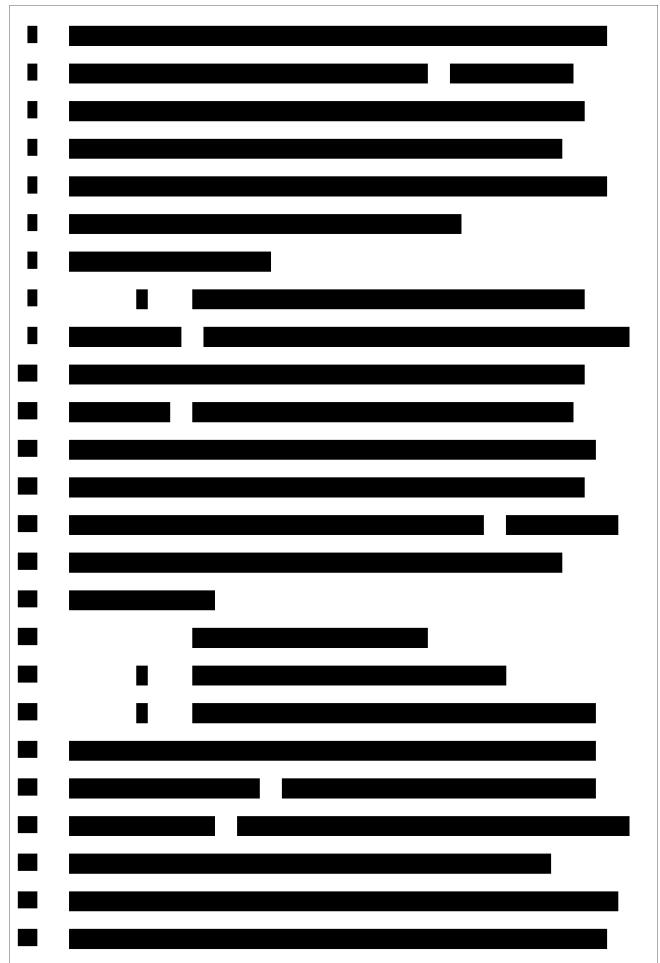
1 MR. PARISER: Right. Thank you. 2 So do you want to just mark, for the 3 record, the deposition notice of his individual 4 capacity, so we're clear. 5 MR. ESFANDIARY: Sure. Yeah. This will be Exhibit No. 22. 6 7 (Murphey Exhibit No. 22 was marked for identification.) 8 9 BY MR. ESFANDIARY: 10 Just put it over here for now. Q 11 Okay. Where are we? Okay. 12 Mr. Murphey, Monsanto is -- has been concerned 13 with the costs associated with marketing a safer 14 Roundup formulation, correct? 15 MR. PARISER: Hold on one second. 16 Can we go off the record for a second? 17 My Livenote has stopped. 18 THE VIDEOGRAPHER: The time is 19 2:50 p.m., and we are going off the record. 20 (Pause.) 21 THE VIDEOGRAPHER: The time is 2:51 22 p.m., and we're back on the record. 23 MR. PARISER: Can we just have the 24 question reread?

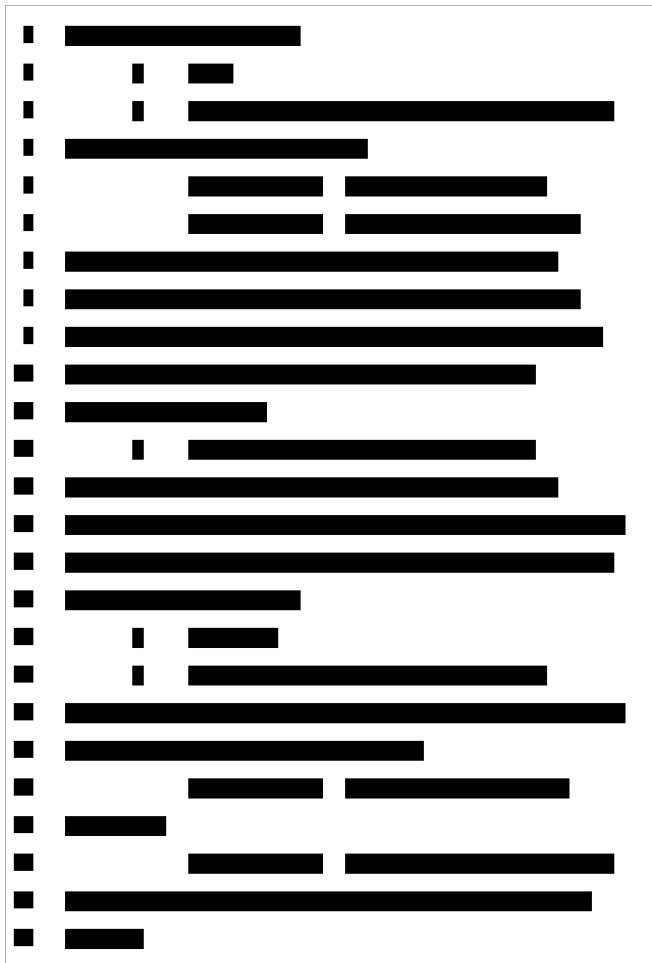
(Whereupon, the requested record

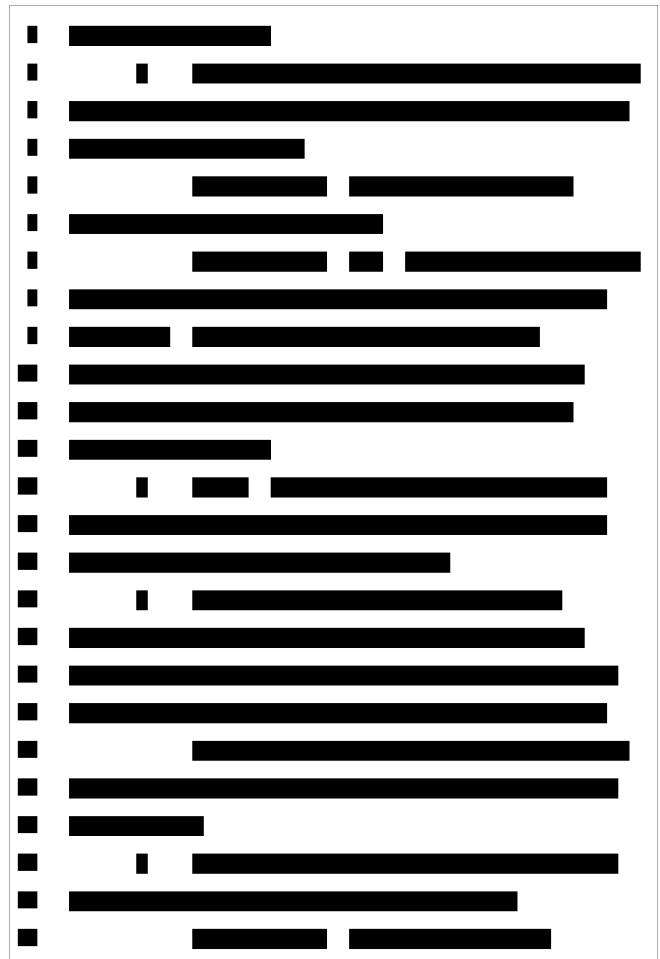
25

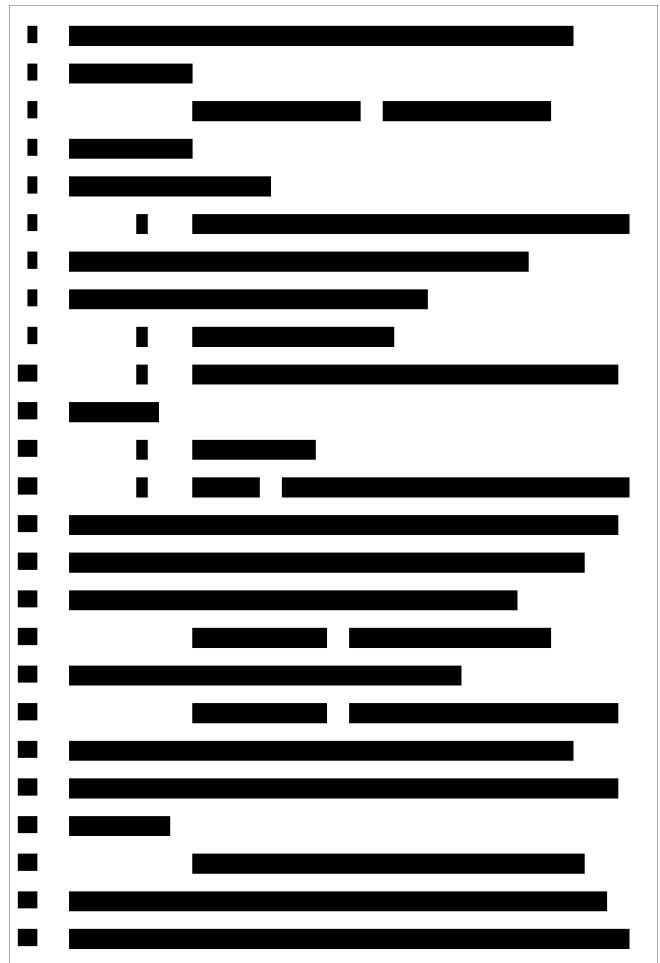
1 was read.) 2 MR. PARISER: Objection to form, 3 foundation. THE WITNESS: That -- I'm not familiar 4 with that directly. If there is a document you'd 5 like to show me, I'd be happy to look at it. 6

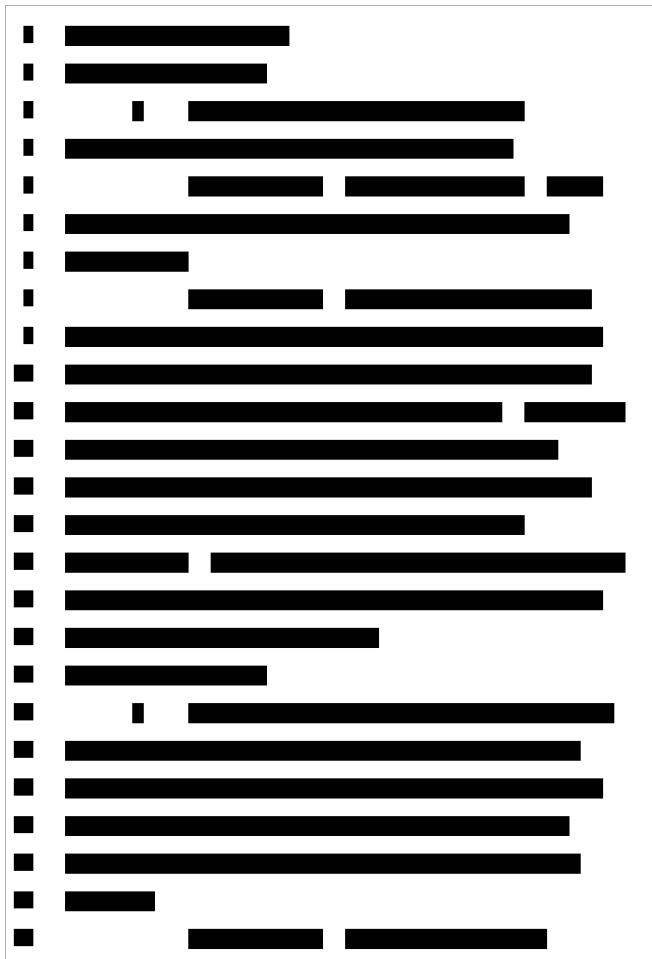


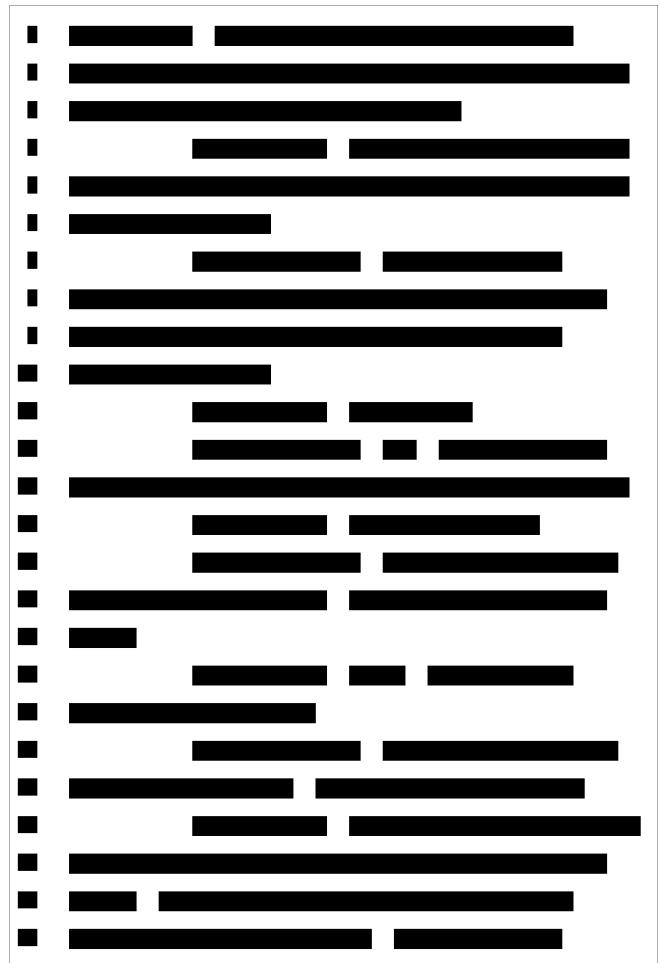


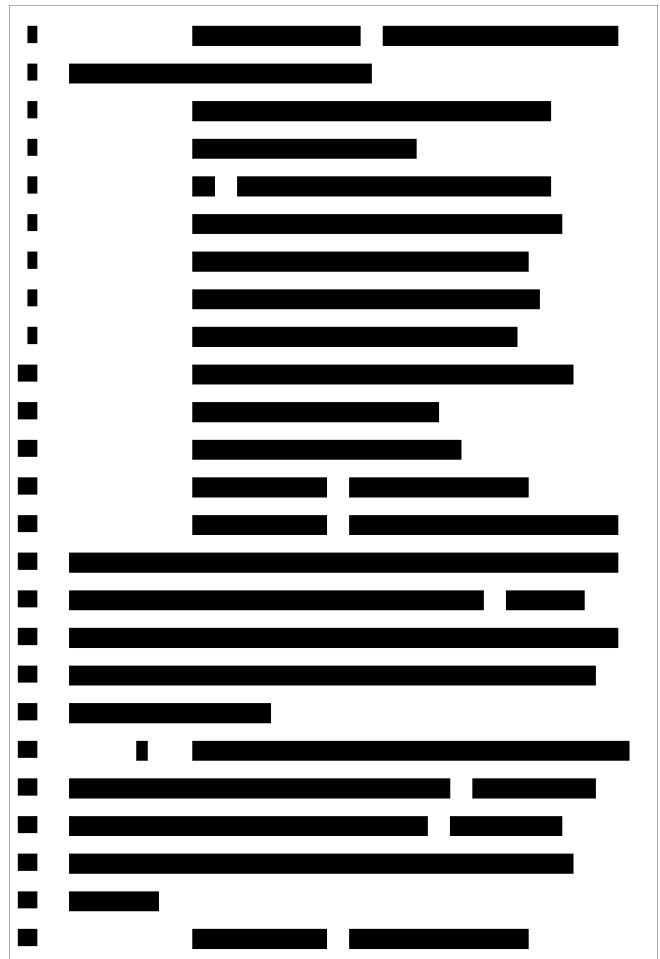


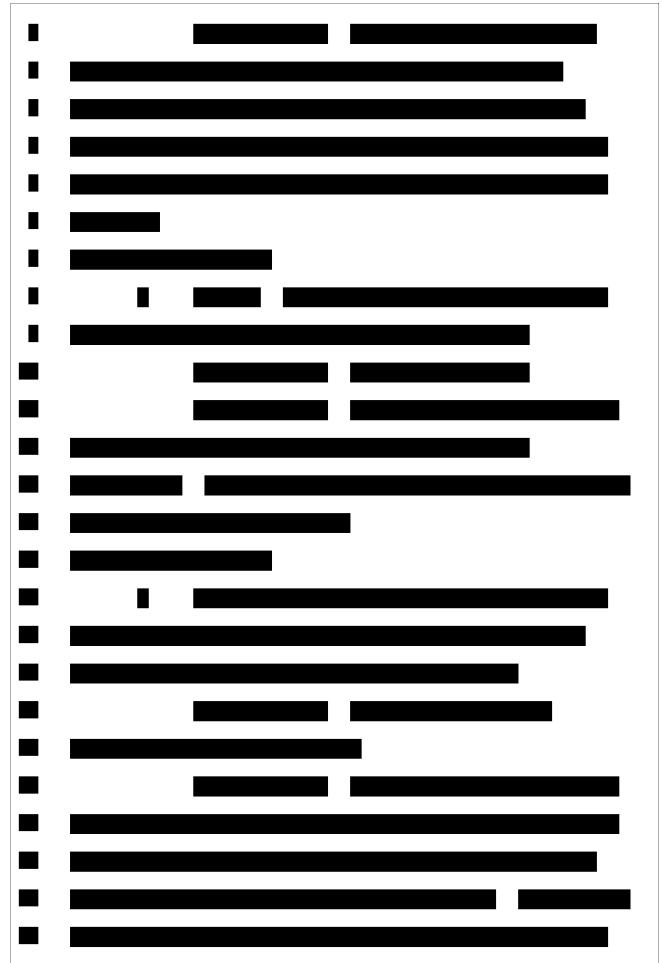


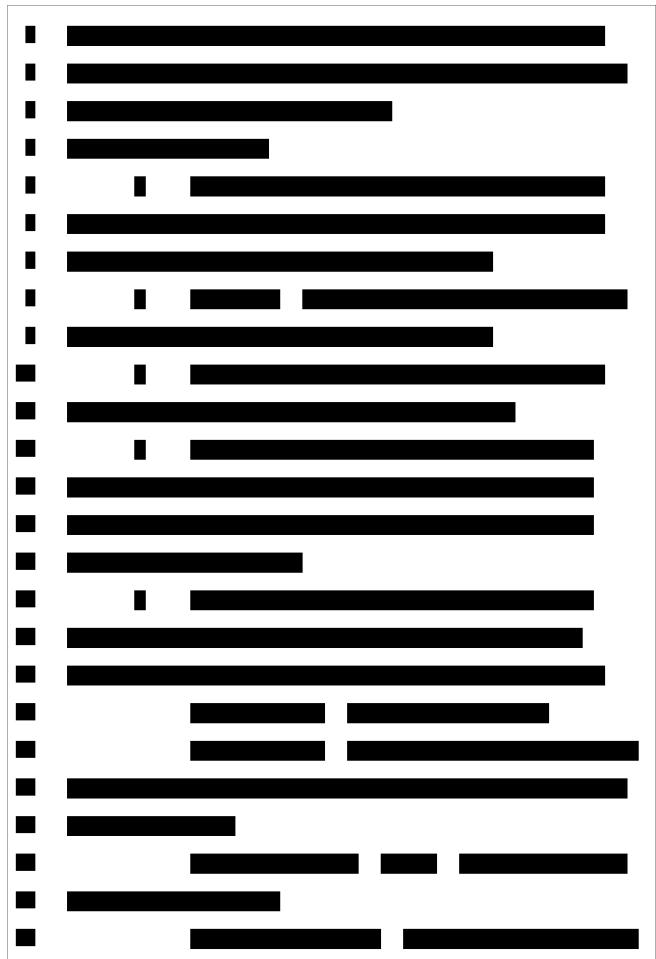


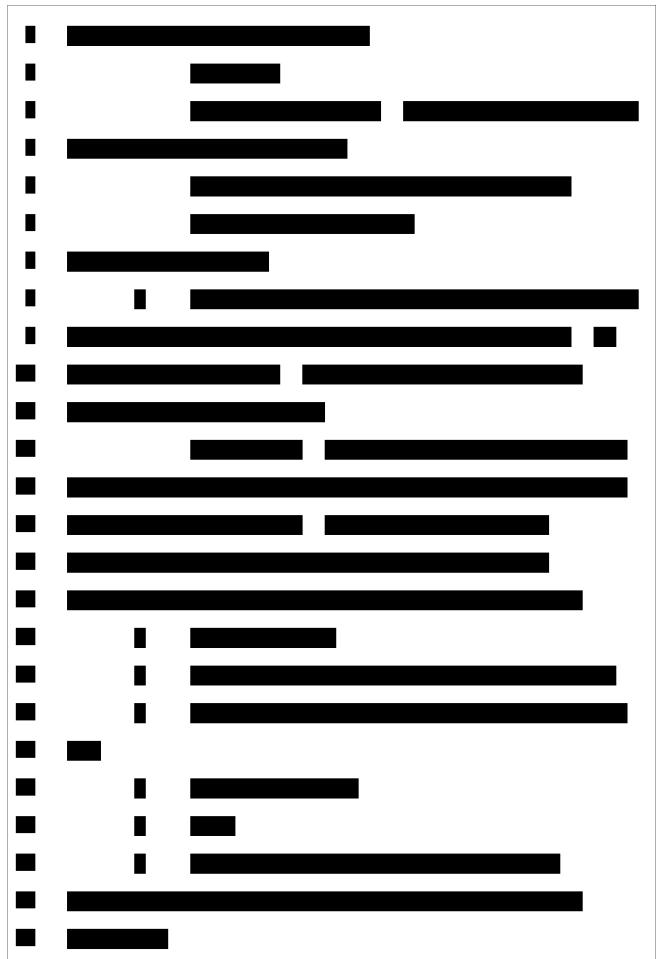


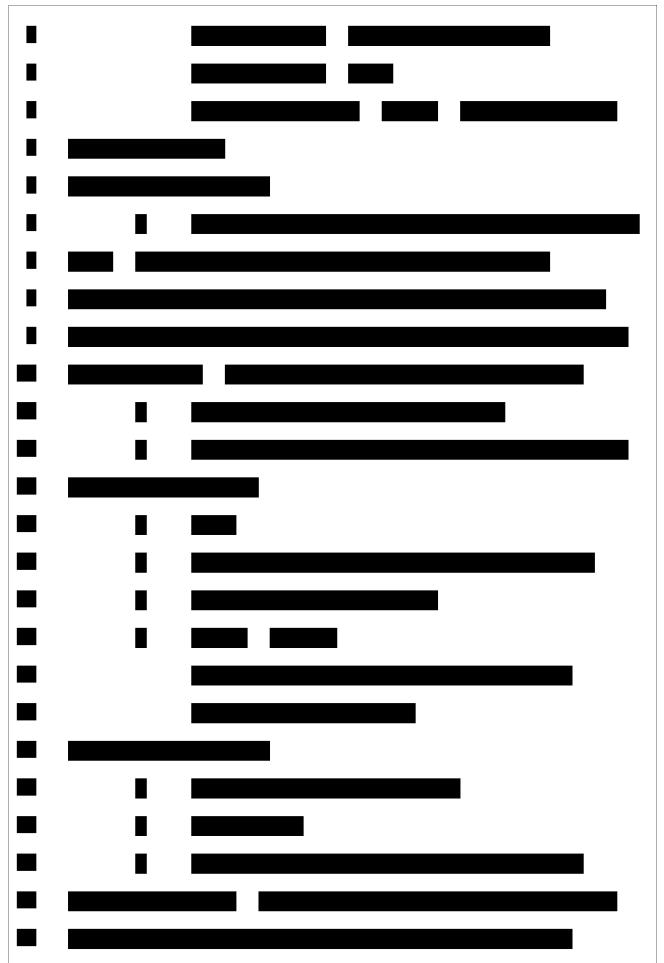


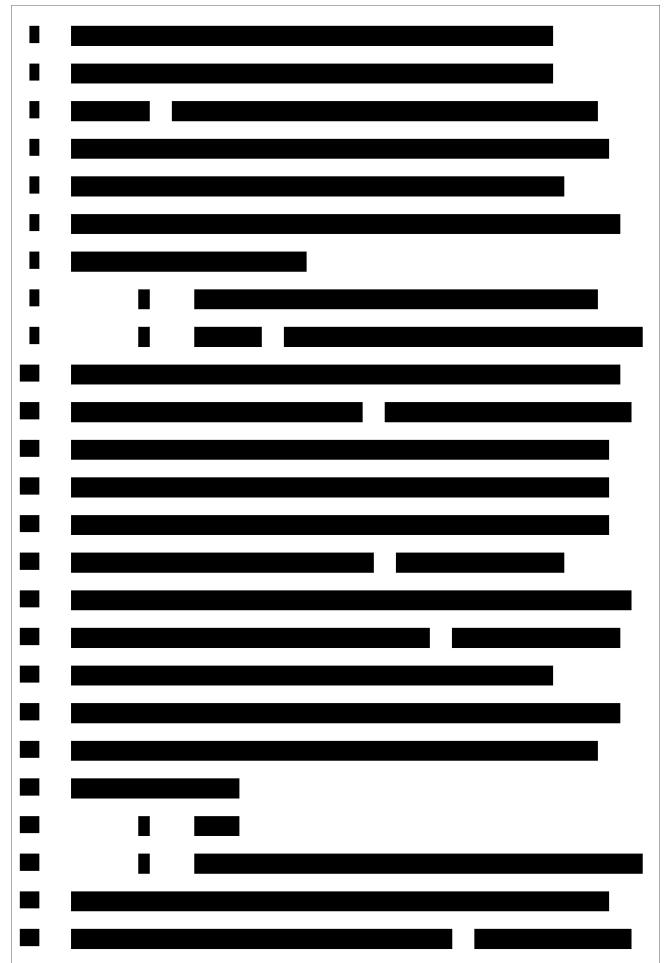


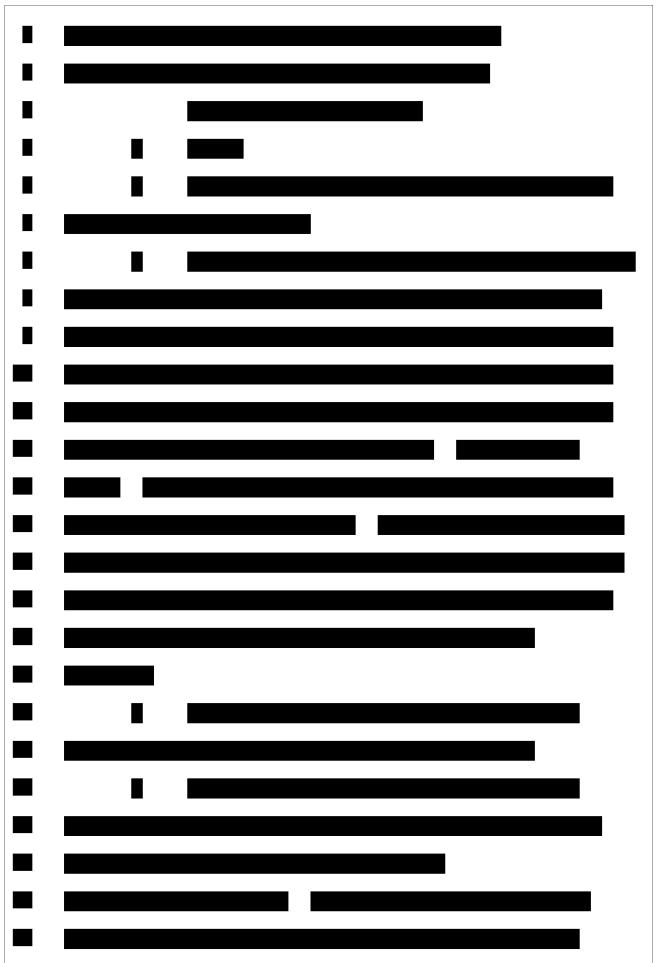


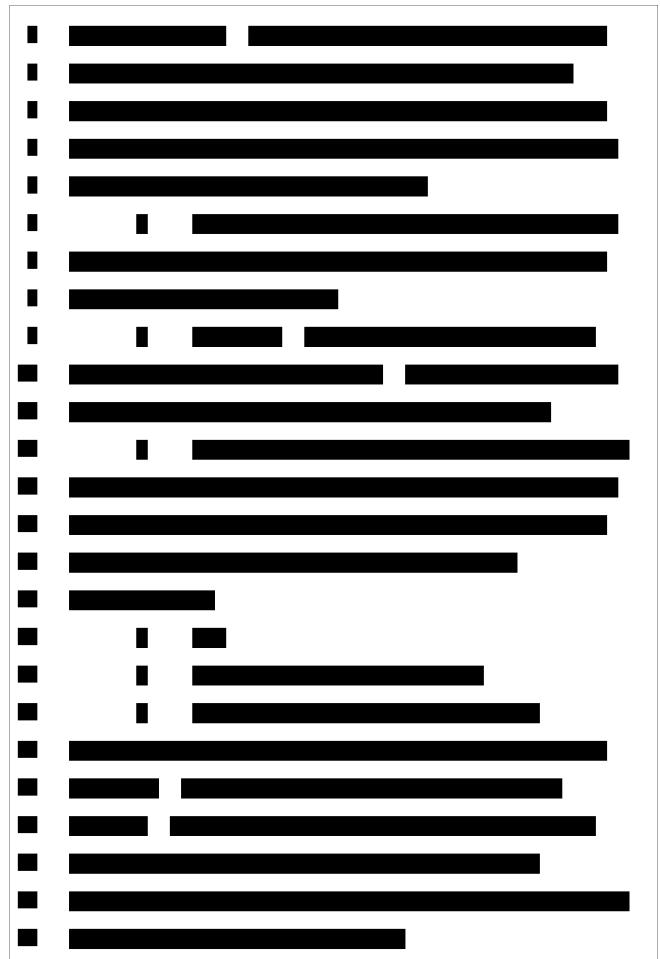


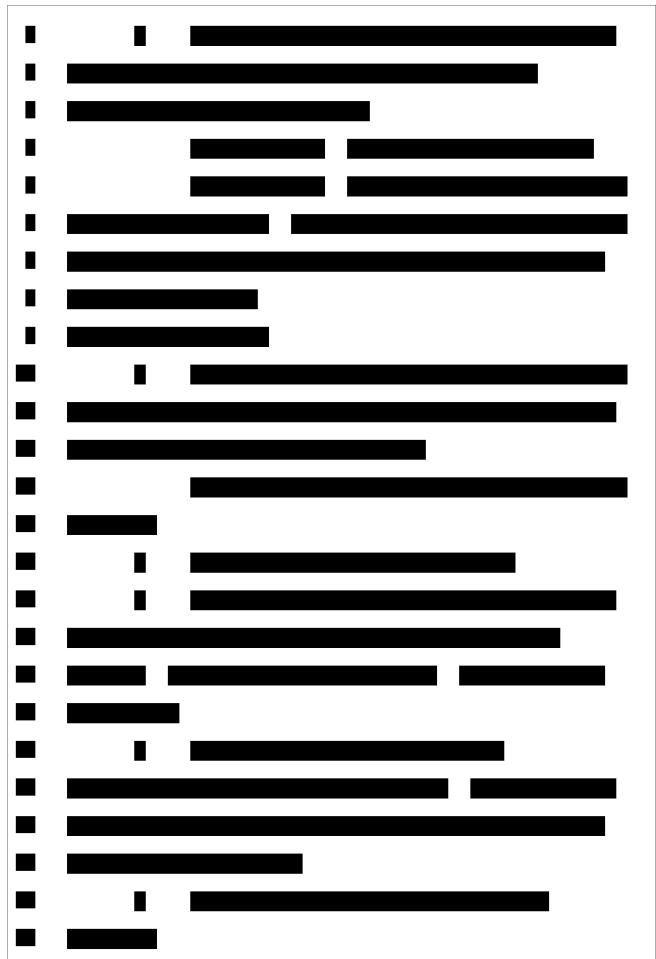


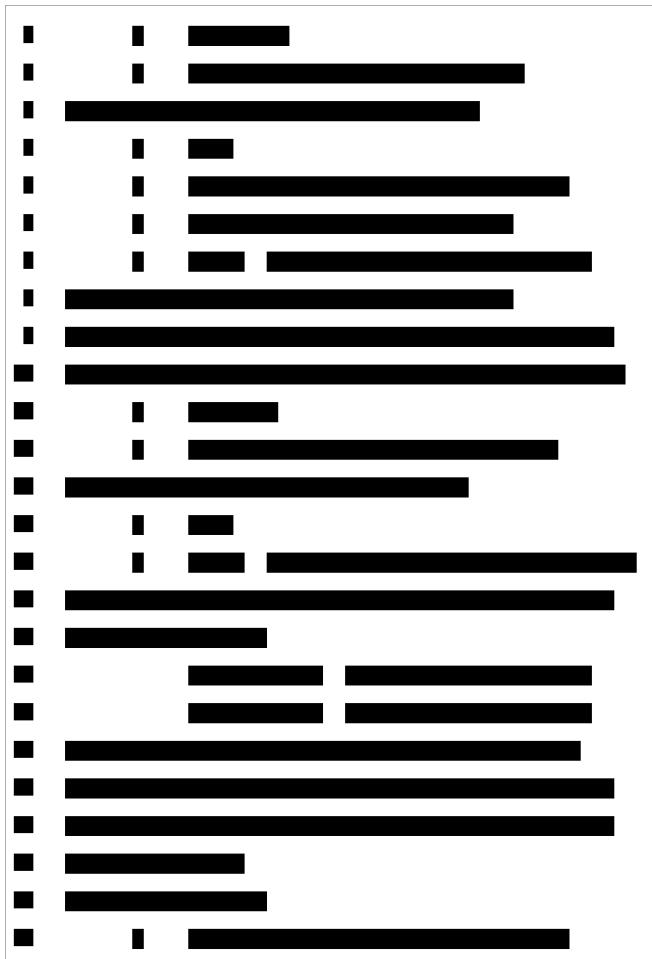


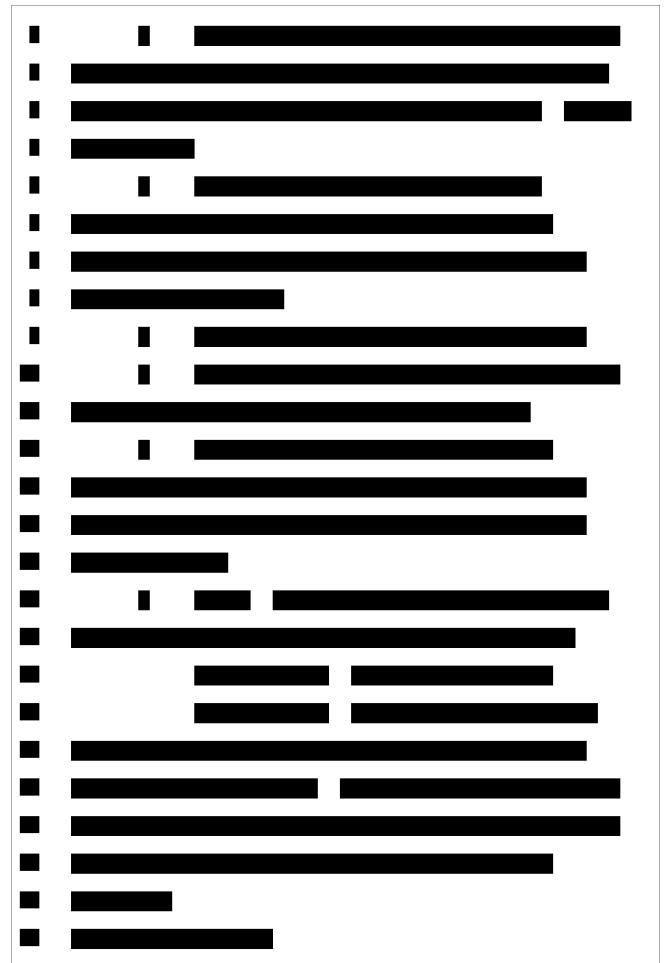


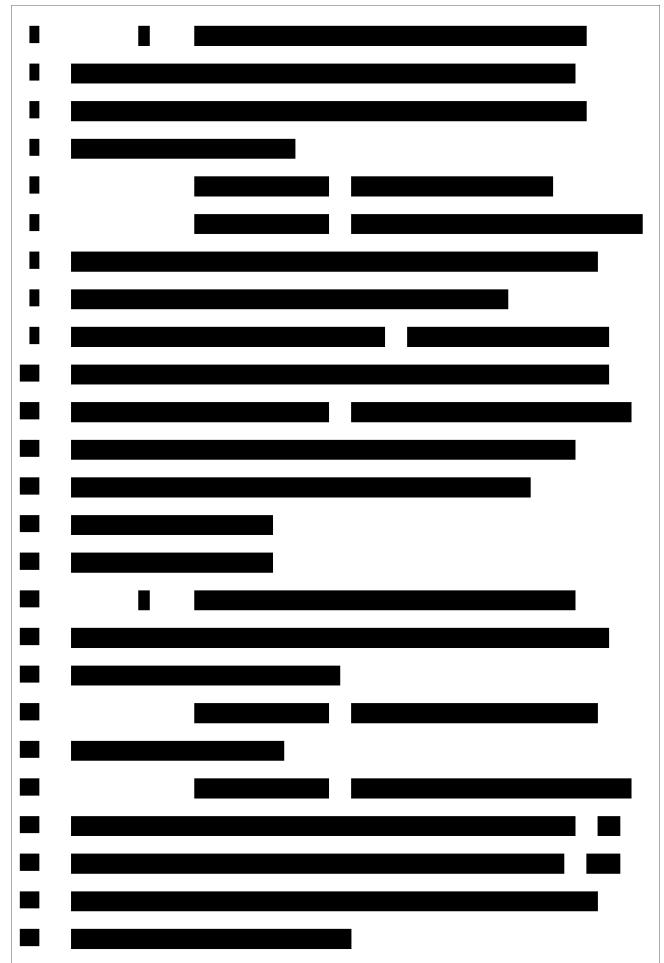


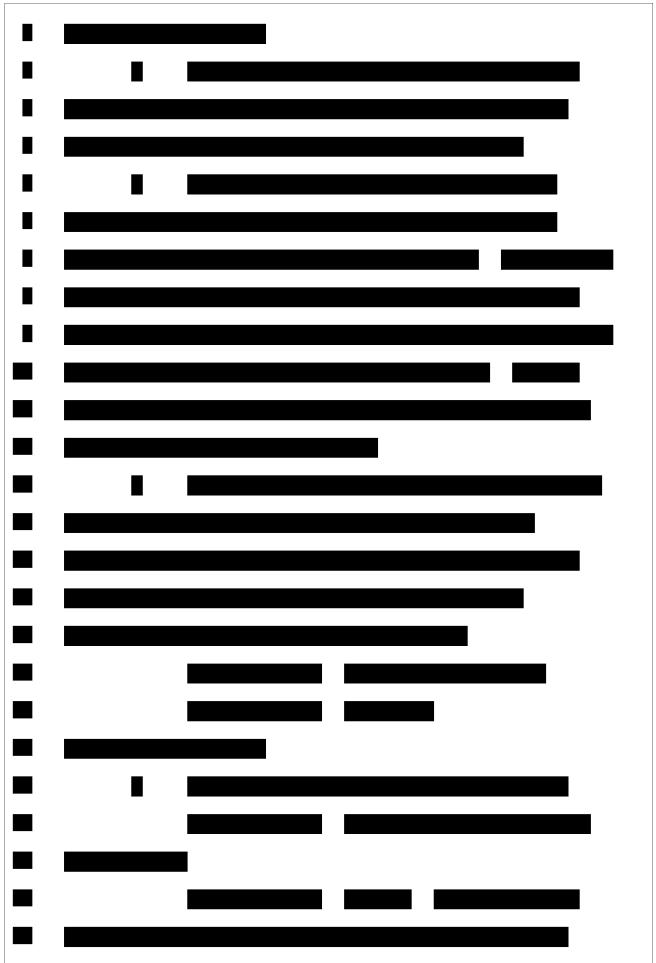


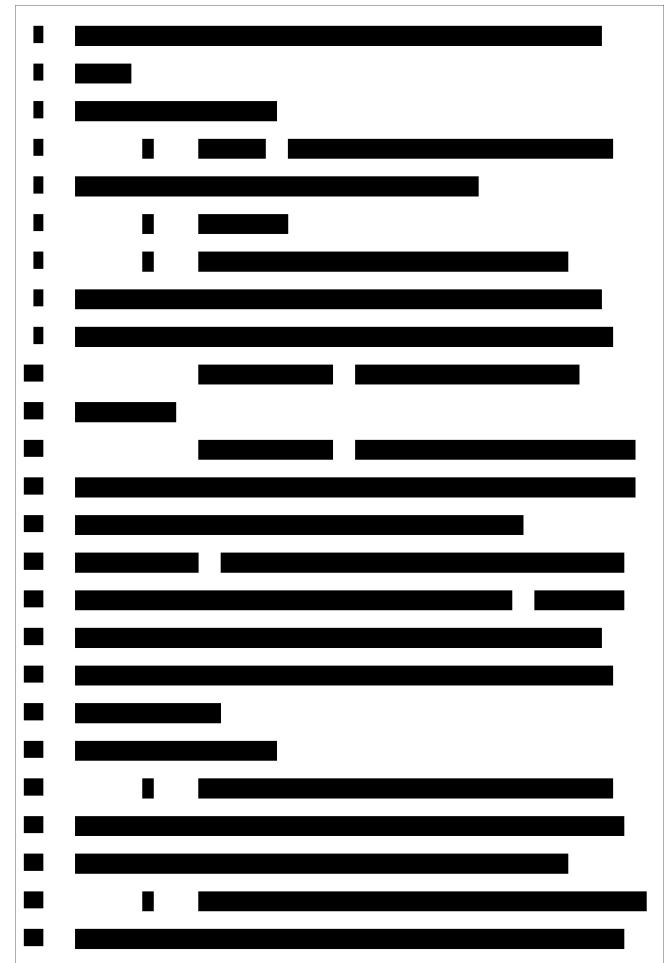


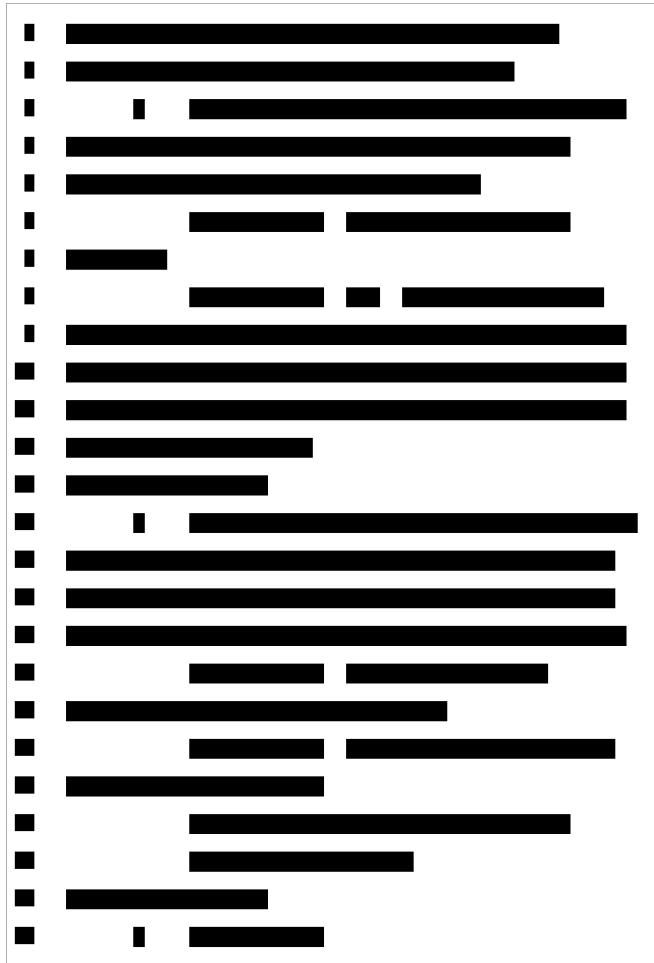


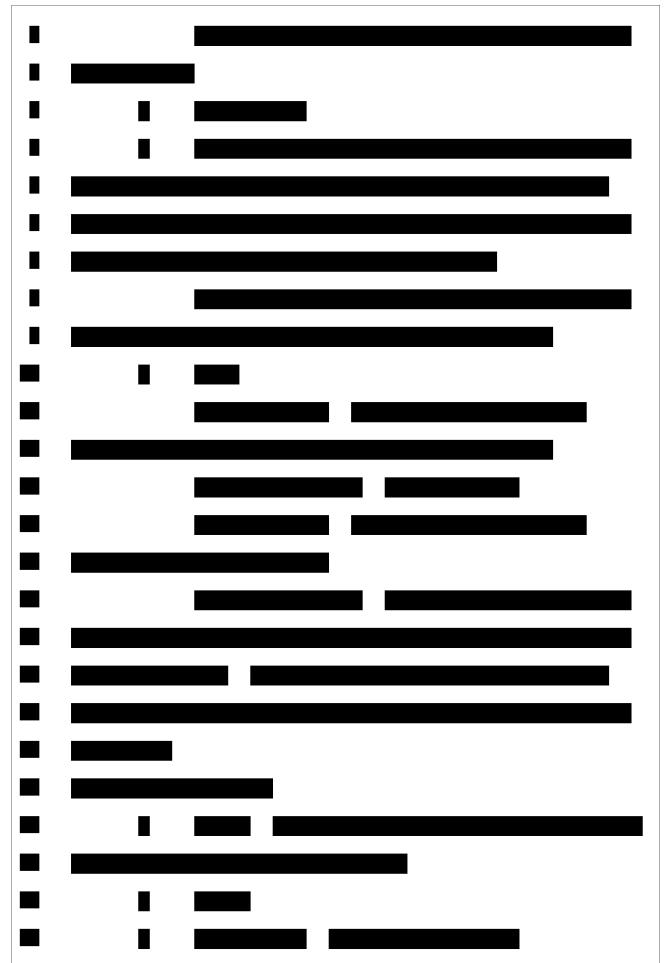


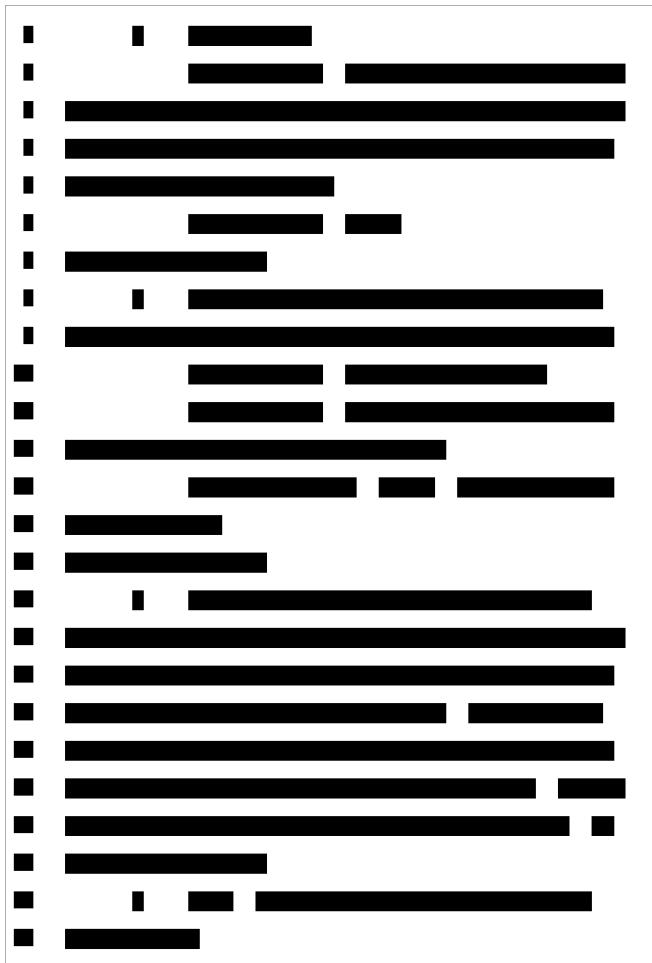


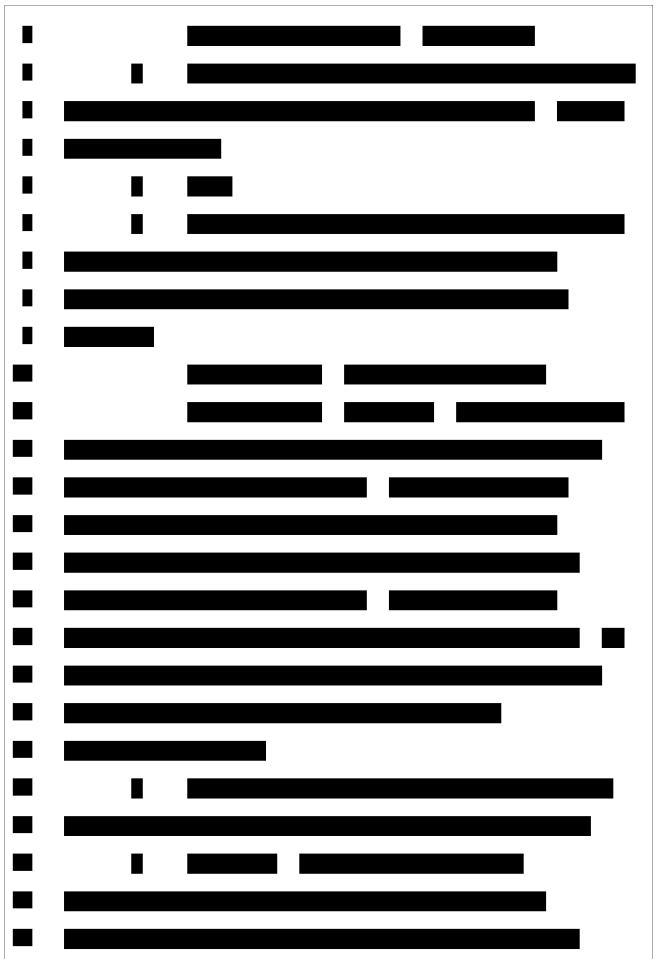


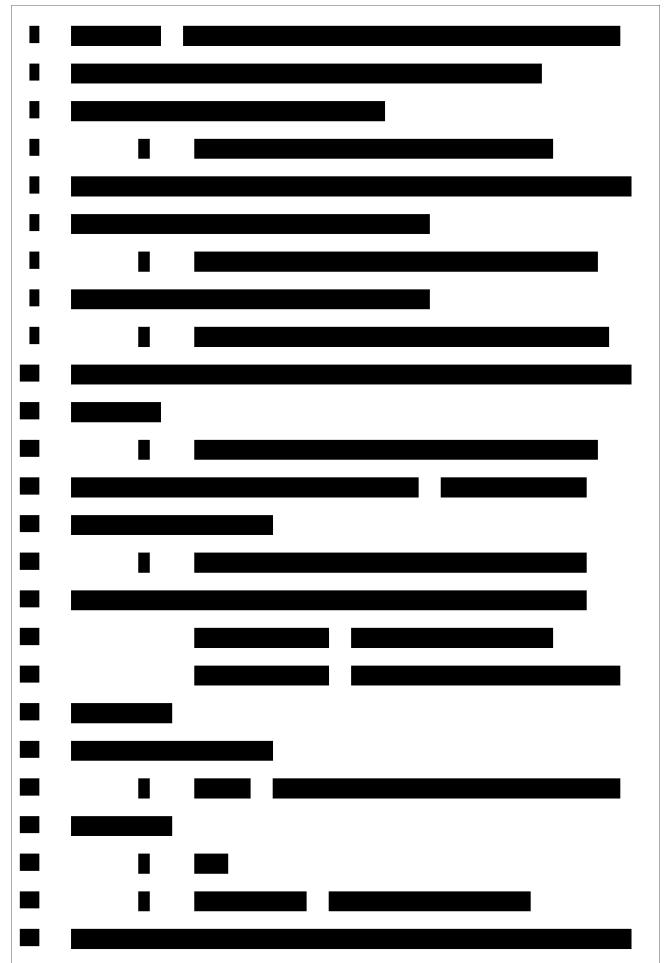


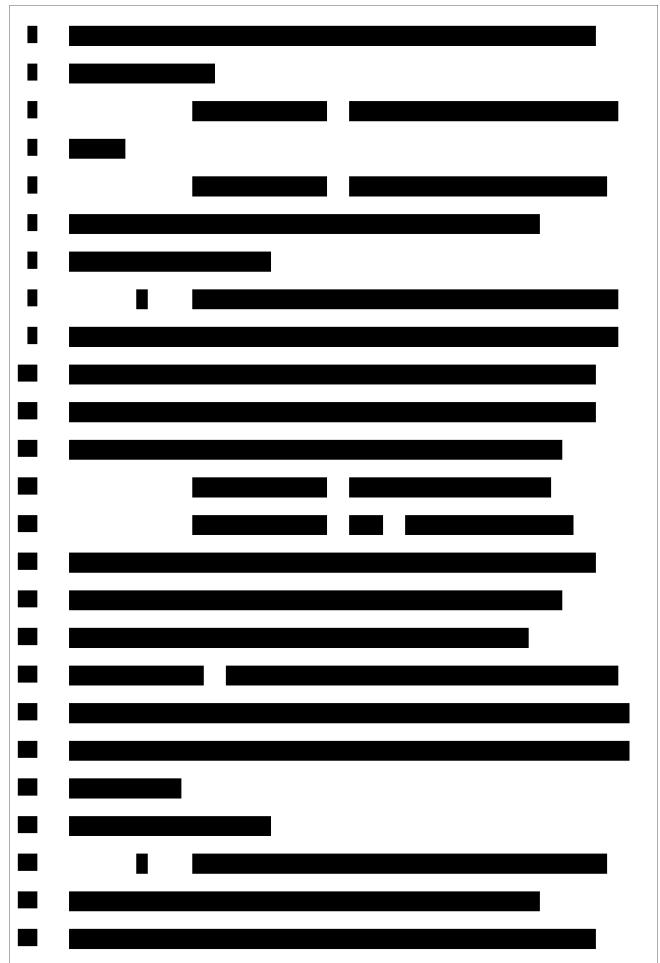


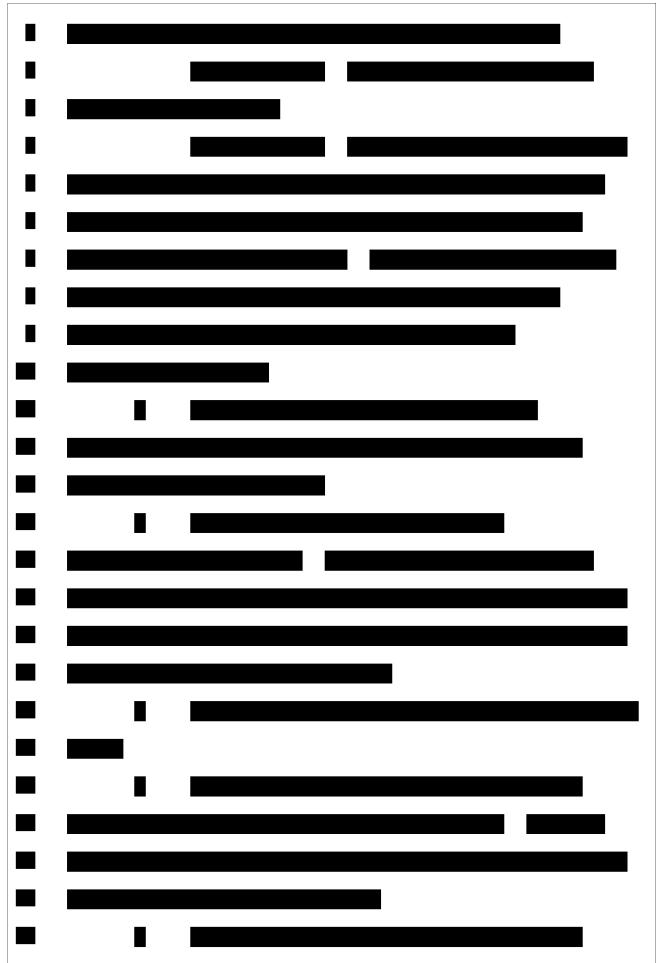


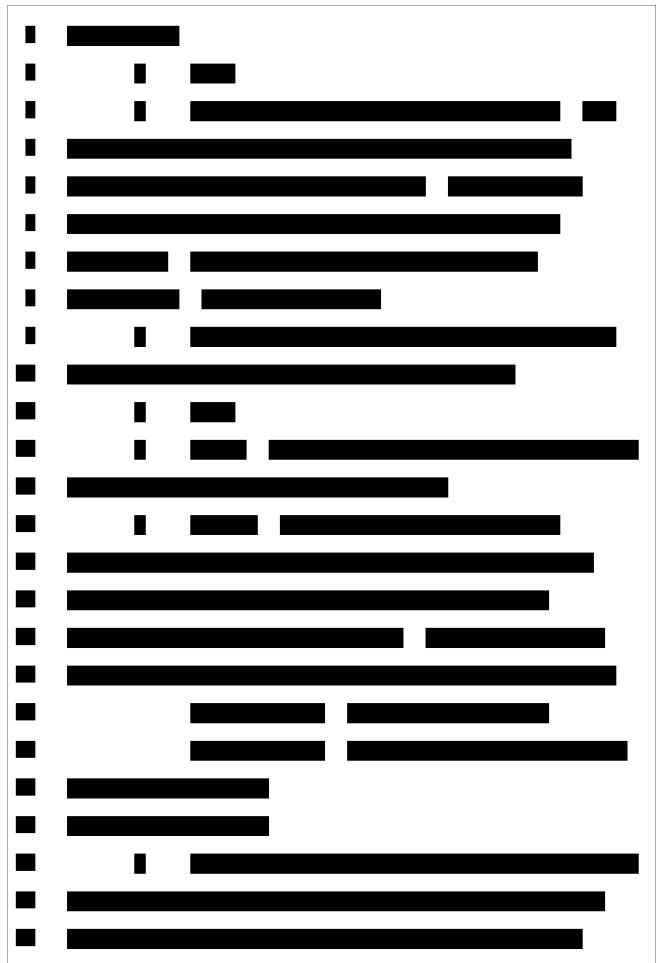


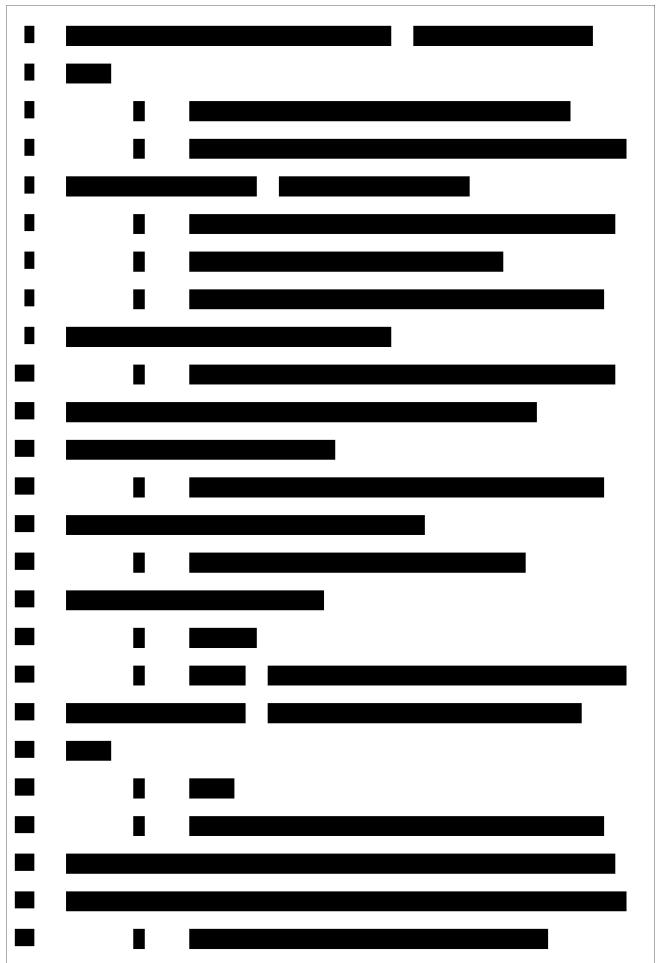


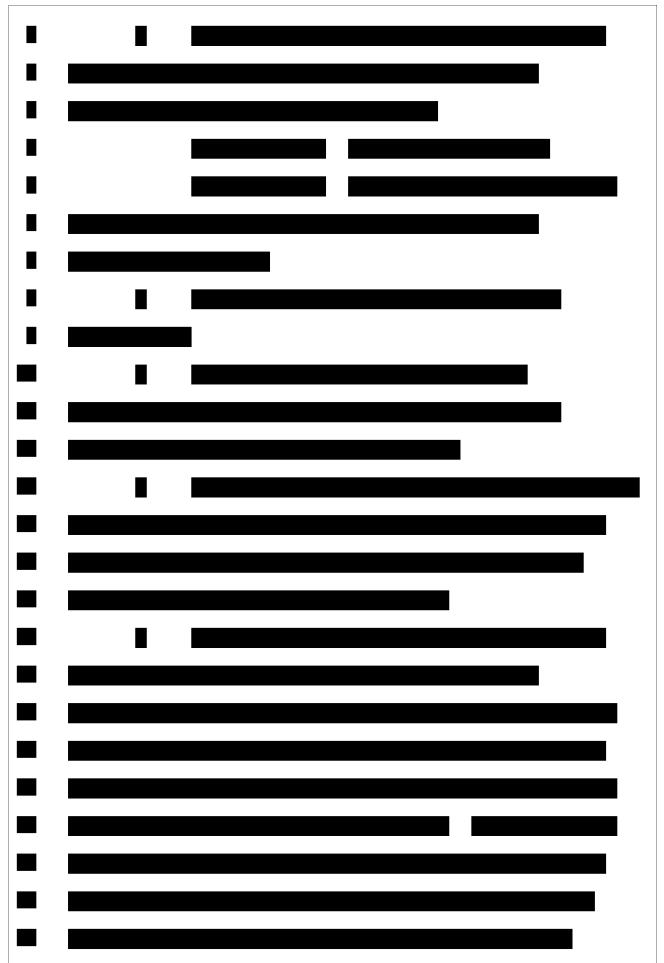


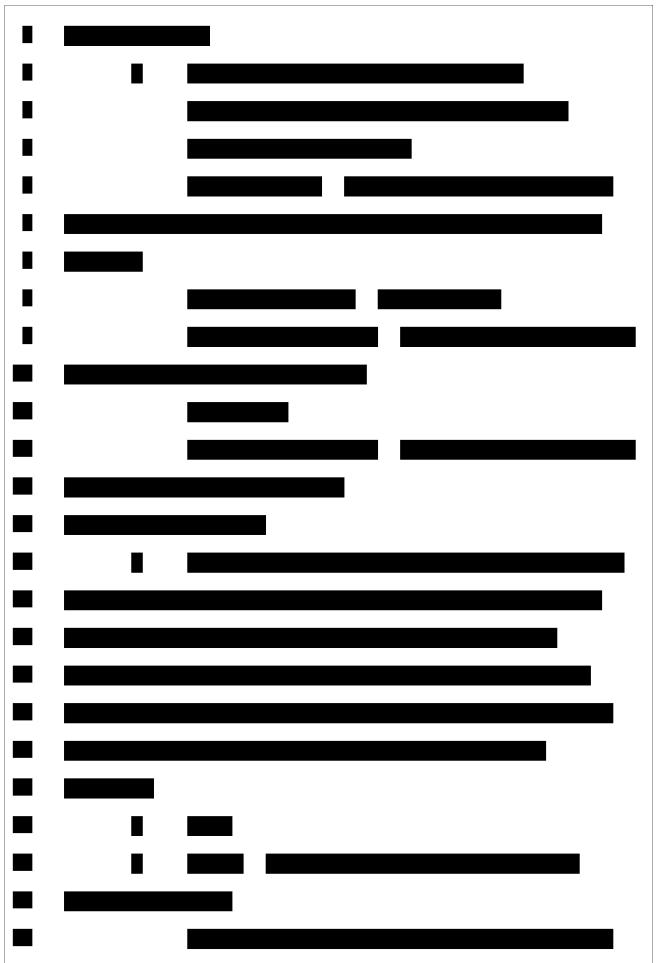


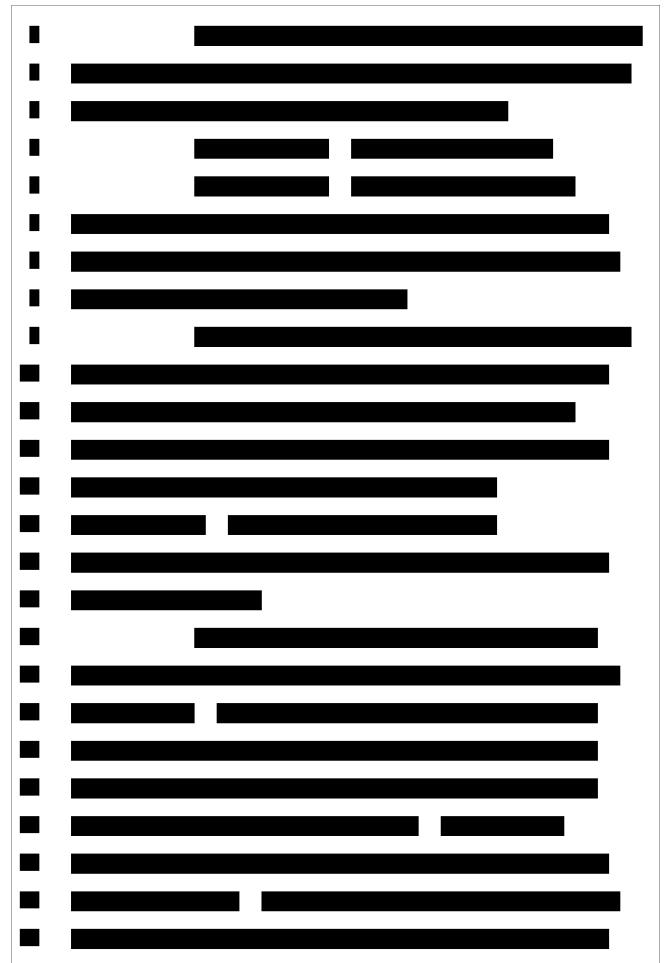


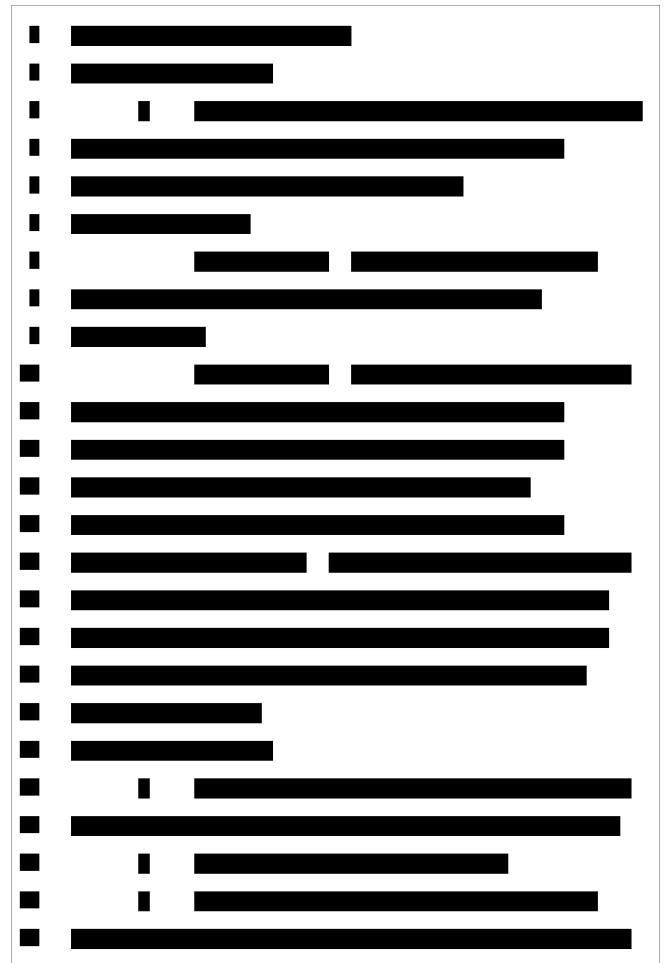


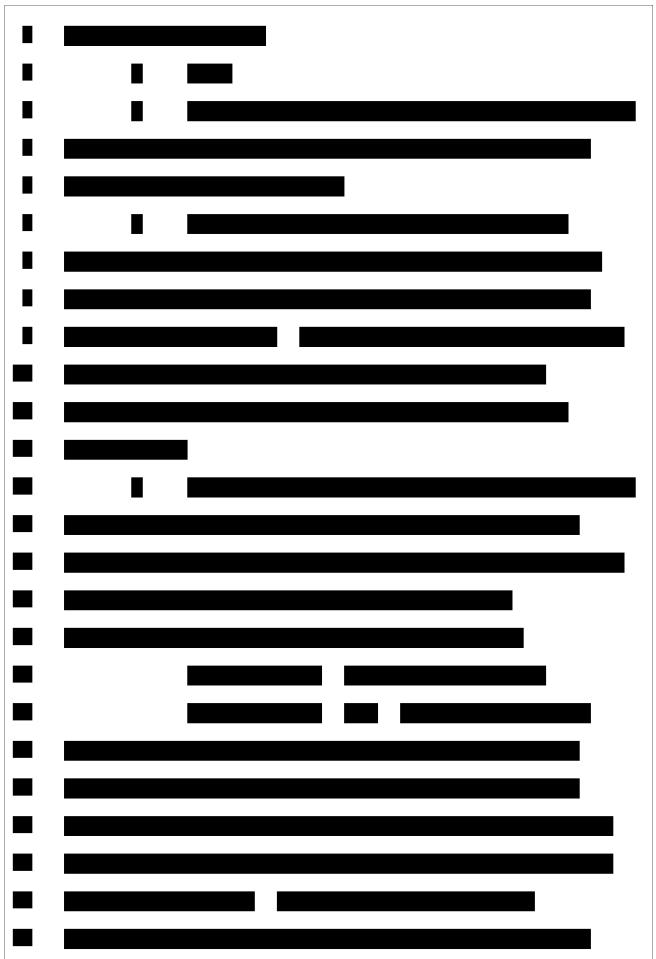


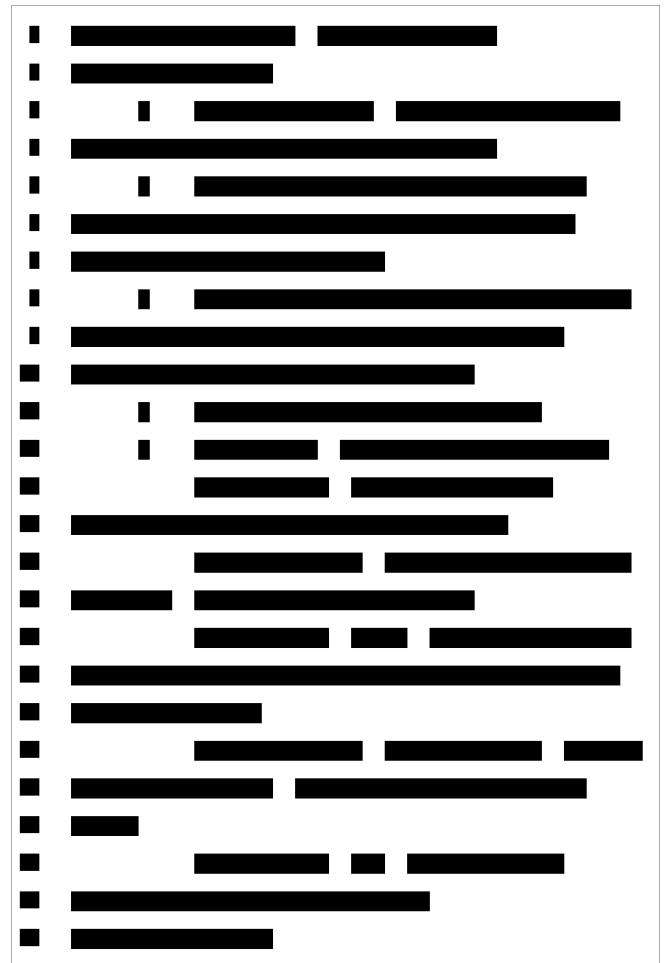


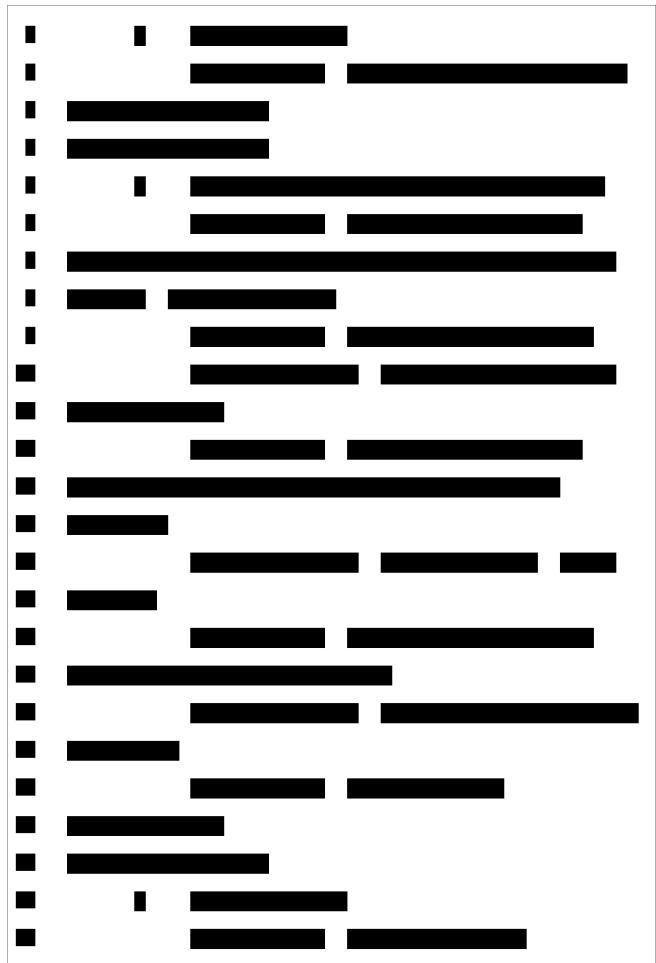


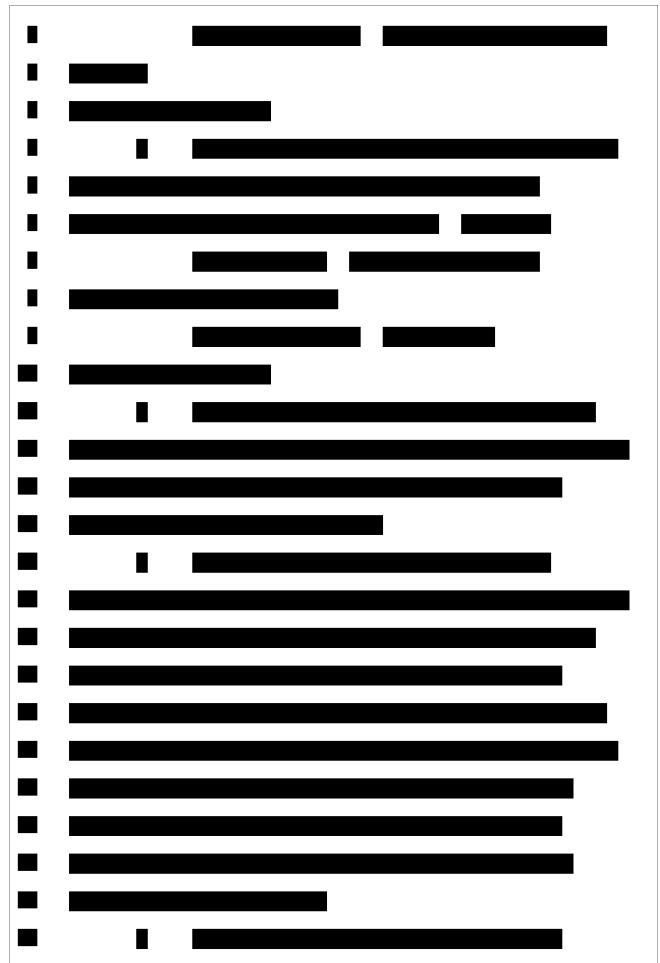












24 (Murphey Exhibit No. 28 was marked for identification.)

1 BY MR. ESFANDIARY: I'm handing you Exhibit 28. It contains a series of e-mails to and from yourself, 3 MONGLY03381565, February 9th, 2016. 4 5 And you see that there is an e-mail from you on the front face of this document? 6 7 I do. Α Do you know if these were sent during 8 0 9 the ordinary course of Monsanto business? 10 MR. PARISER: Objection to form. 11 THE WITNESS: Yes. 12 MR. ESFANDIARY: Okay. Move this into 13 evidence. 14 BY MR. ESFANDIARY:

3 And you respond, on page 566, Samuel 4 Murphey to David Heering, "My recommendation is to 5 make sure our stakeholders are aware, but as a 6 company, I advise against pushing this directly. 7 I will be interested in Brian's quidance, but with 8 negotiations ongoing at the WHO level, I worry 9 that getting too close to this could undermine 10 those discussions." Do you see that? 11 Α Could you point me to the Bates number 12 on that again, please? 13 It is on page 566. It's in the top 0 14 paragraph there, from you, Samuel Murphey, 15 February 9th. 16 Okay, I've got it. Yes, I see that. Α 17 And then on the front page of this document, you say, "I'm fully supportive of 18 19 getting out to our stakeholders (Prop 65 and 20 others) and asking them to share and discuss. 21 just think we want the public push at arm's-length 22 from Monsanto." Do you see that, sir? 23 Α I do. 24 So do you disagree with our own 25 characterization of Monsanto's activity?

- 1 MR. PARISER: Objection to form.
- THE WITNESS: No, I think this -- this
- was a recommendation that I was making in the
- 4 context of this one particular story and isn't
- 5 reflective of the broader approach that we
- 6 generally take to media.
- 7 BY MR. ESFANDIARY:
- 8 Q Mr. Murphey, earlier today, you
- 9 testified that you disagree with the
- 10 characterization that Monsanto was trying to
- influence public opinion at an arm's-length. And
- here you are, on February 9th, 2016, saying to
- your Monsanto colleagues that you think that you
- should be pushing the story -- "want the public
- push at arm's-length from Monsanto." Do you see
- 16 that, sir?
- MR. PARISER: Objection to the form of
- 18 the question, argumentative, asked and answered.
- THE WITNESS: No, I do see here that I'm
- 20 recommending that we -- we share this with various
- 21 stakeholders, and ask them to discuss it. You
- 22 know, the proposal on the table was whether to use
- Monsanto social media channels, for instance, to
- share the story broadly. And my recommendation
- was not to do that in this instance, but to share

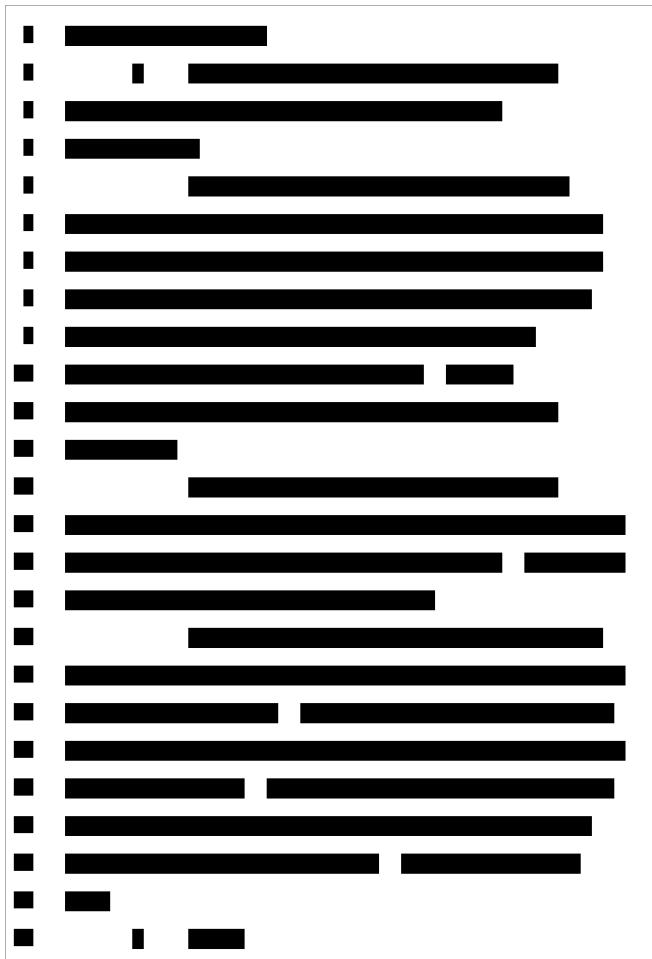
- 1 the -- to share the information in the story with
- <sup>2</sup> a variety of stakeholders.
- 3 BY MR. ESFANDIARY:
- 4 Q Mr. Murphey, your recommendation was to
- 5 get the public push at arm's-length from Monsanto,
- 6 correct? Isn't that what you say there, sir --
- 7 A Yes.
- 8 Q -- on the face of this document? So you
- 9 do not disagree that part of Monsanto's
- initiatives in influencing the public opinion on
- 11 glyphosate safety involved doing so at
- 12 arm's-length from Monsanto, correct?
- MR. PARISER: Objection to form.
- 14 THE WITNESS: No, as I've -- as I've
- explained, our public affairs strategies had
- 16 multiple approaches. In the context of sharing
- this one particular story, my recommendation was
- 18 to provide it to stakeholders, and not to promote
- 19 it directly, for instance, from Monsanto's social
- 20 media channels.
- 21 BY MR. ESFANDIARY:
- Q So Monsanto -- part of Monsanto's
- initiative in protecting the public image of
- 24 glyphosate did involve doing so at arm's-length
- from Monsanto, correct?

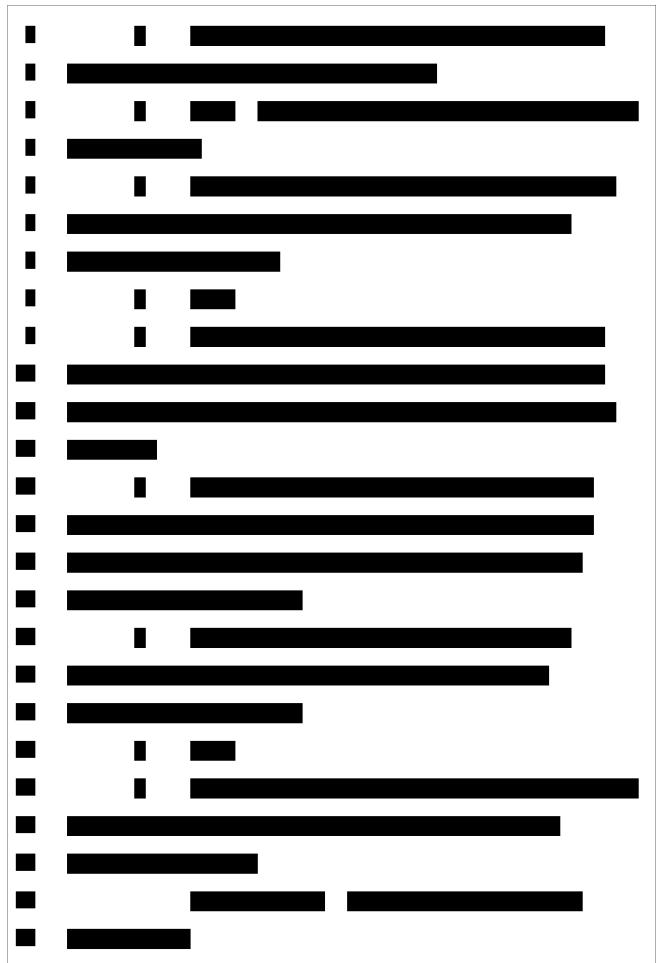
-31 - Carlotta Carlotta - Carlotta

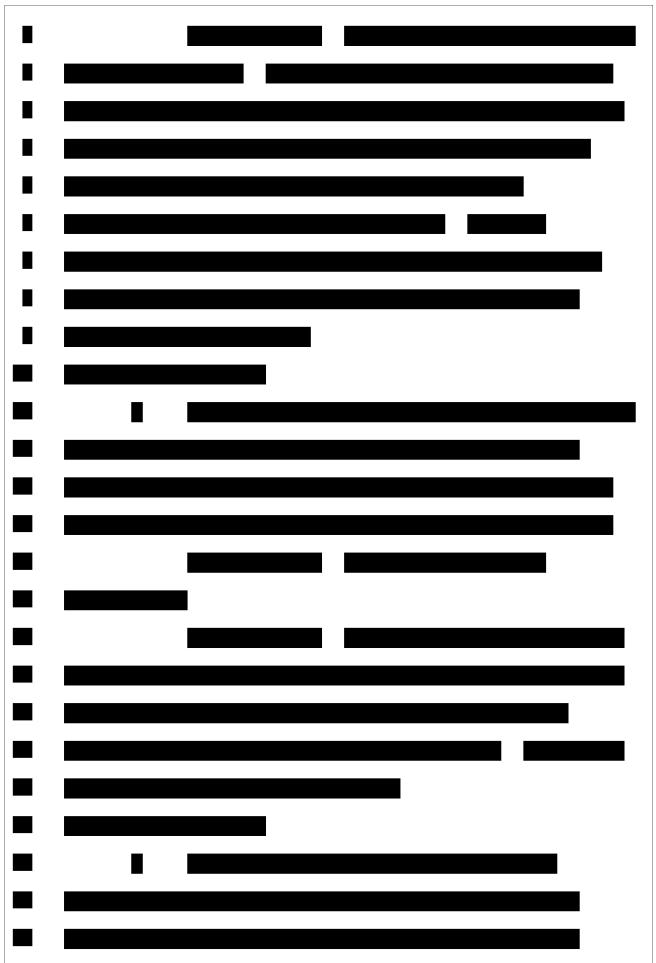
- 1 A In the instance of this particular
- story, my recommendation was to share this with
- 3 stakeholders, and not to promote it directly from
- 4 Monsanto's corporate social media channels.
- 5 (Murphey Exhibit No. 29 was marked
- for identification.)
- 7 BY MR. ESFANDIARY:
- 8 Q Mr. Murphey, this is Exhibit 29 to your
- 9 deposition. It's a series of e-mails.
- 10 The initial Bates is MONGLY07673376. And if
- 11 you -- have you -- it's dated August 19th, 2015,
- 12 subject: "Heads Up New England Journal of
- 13 Medicine Op-Ed."
- Does this appear to have been created
- during the ordinary course of Monsanto business,
- 16 sir?
- MR. PARISER: Objection to form.
- THE WITNESS: Yes.
- MR. ESFANDIARY: I'll move this into
- 20 evidence.
- 21 BY MR. ESFANDIARY:
- 22 Q And if you turn to the last page of the
- document, there's an e-mail from you, sent
- Wednesday, August 19th, 2015, to a whole slew of
- Monsanto employees, with a subject, Heads Up New

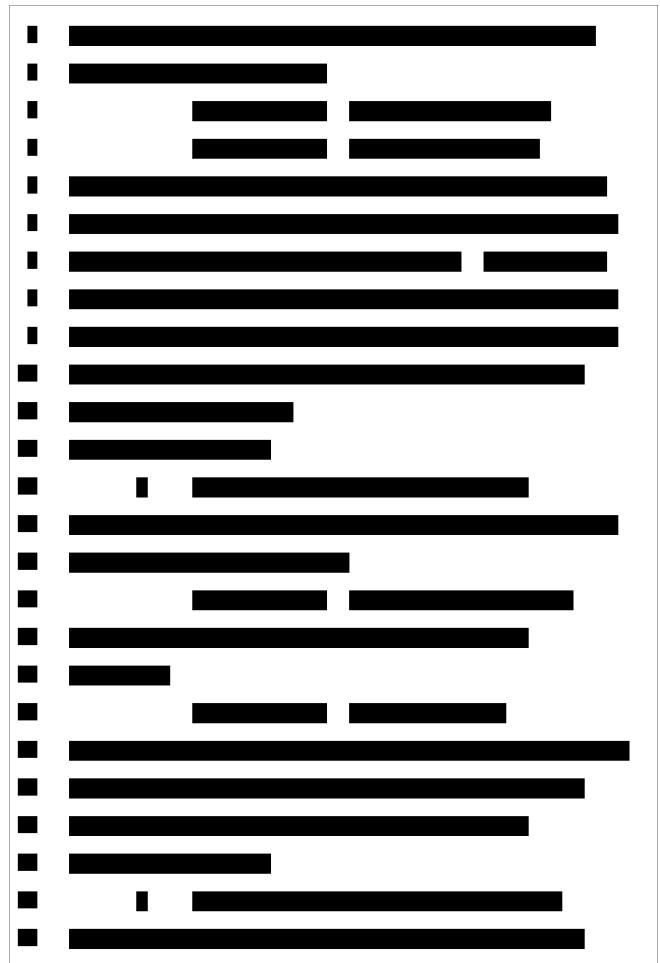
- 1 England Journal of Medicine Op-Ed.
- And you say, "Corporate engagement ops:
- 3 I wanted to make you aware of our strategy for
- 4 responding to an Op Ed that we'll publish later
- 5 today in the Perspective section of the New
- 6 England Journal of Medicine. The Op Ed, by Philip
- 7 Landrigan and Charles Benbrook, frequent
- 8 anti-GM/pesticide commentators, is critical of
- 9 Glyphosate 2,4-D and Dow's endless products."
- 10 At the bottom, you say, "The Op Ed
- 11 attached to this e-mail is under embargo until
- 5 p.m. Eastern, 4 p.m. Central today. Please do
- 13 not share the Op Ed with others at this time." Do
- 14 you see that, sir?
- 15 A Yes.
- 16 Q Mr. Murphey, how on Earth did Monsanto
- get its hands on an Op Ed that had not been
- 18 published yet?
- MR. PARISER: Objection to form.
- THE WITNESS: The use of embargoes in
- the journalism and public affairs industry is
- fairly common. I don't recall in this specific
- instance of this Op Ed, but there are occasions,
- for instance, where a journalist who will have
- been provided a copy of the Op Ed or article by

the journal in advance, reaches out to seek -- to 1 seek our comment. And in that case, would share 2 would share -- would share the piece with us. 3 again, I don't understand in the specific context 4 of -- of this Op Ed. 5 BY MR. ESFANDIARY: 6 7 Are you aware that Chuck Benbrook is an Q expert for plaintiffs in this litigation? 8 9 Α I am.









5 MR. ESFANDIARY: I'm going to mark as Exhibit No. 31, a series of e-mails. 6 (Murphey Exhibit No. 31 was marked 7 for identification.) 8 9 BY MR. ESFANDIARY: 10 It's an e-mail from yourself to Q 11 Mr. Jenkins, and Mr. Jenkins returning back to 12 you. And it's MONGLY03402231, dated April 21st, 13 2016. 14 Mr. Murphey, does this appear to have been created under the ordinary course of Monsanto 15 16 business? 17 MR. PARISER: Objection to form. 18 THE WITNESS: Yes. 19 BY MR. ESFANDIARY: 20 Now, Mr. Jenkins sends a statement to 21 Anne Overstreet from the EPA, on page ending in 22 Bates 233, correct? 23 He does. 24 Okay. And this statement appears to be 0 25 coming from the EPA, the way in which it's -- in

- which it's addressed, correct? It says, "The EPA
- 2 always strives to base its decisions on the best
- 3 sound science." And the second paragraph says,
- 4 "Currently, we are working through some important
- 5 science issues on glyphosate, including residues
- of the chemical in human breast milk, an in-depth
- 7 human incidents and epidemiology evaluation, the
- 8 International Agency on Research for Cancer,
- 9 IARC's cancer reevaluation released in August
- 10 2015, and a preliminary analysis of glyphosate
- 11 toxicity to milk weed." Do you see that, sir?
- MR. PARISER: Objection to form.
- 13 THE WITNESS: Yes. And then it
- 14 concludes, "The toxicity to milk weed, a critical
- resource for the Monarch butterfly. We hope to
- issue the draft cancer risk assessment for public
- 17 comment later in 2016."
- 18 BY MR. ESFANDIARY:
- 19 Q Right. And this e-mail from Dan Jenkins
- 20 to Ms. Overstreet is forwarded through various
- Monsanto employees, including yourself. And you
- say, in an e-mail from April 21st, "Anne
- Overstreet says in her e-mail that she provided
- the shorter statement to Bloomberg on March 8th.
- The longer statement that I shared was provided by

 $\sim \sim -$ 

- 1 EPA's Robert Daguillard to a publication called
- Farm World on April 19th. Anne's shorter
- 3 statement refers to a draft risk assessment to be
- 4 released in late 2016 for public comment.
- 5 Robert's longer statement refers to a draft cancer
- 6 risk assessment to be released in late 2016 for
- 7 public comment. Are they referring to the same
- 8 risk assessment or something different? Or is
- 9 Anne talking about the PRA and Robert about the
- 10 CARC?"
- 11 Do you see that?
- 12 A I do.
- Q And then Mr. Jenkins' response to you,
- 14 "Anne and I quite -- talked quite a bit today.
- What she was doing below is showing me what she
- had written for their press office use." Do you
- see that, sir?
- 18 A Yes.
- 19 Q Now, would the EPA and -- would the EPA
- 20 regularly share press statements with Monsanto
- 21 prior to issuing them to the rest of the world?
- 22 A No, but that doesn't seem to be
- what's -- what's happening here. In -- in looking
- through the entire chain, it looks like perhaps
- the statement that Mr. Jenkins originally sent to

- 1 Ms. Overstreet was something that I had seen in
- the Farm World publication.
- That's -- and it looks like, then,
- 4 Mr. Jenkins perhaps sent it to Ms. Overstreet to
- 5 ask her to confirm if it was an accurate -- an
- 6 accurate EPA statement, because then she comes
- 7 back in that e-mail you were just reading from,
- 8 the top, you know, she is demonstrating between
- 9 the two versions, that the statement had been
- 10 changed by someone down the line, and that the
- 11 reference in the original longer statement to a
- 12 public comment on the draft cancer risk assessment
- was inaccurate.
- 14 Q Did you prepare talking points in a
- 15 meeting -- private meeting between Monsanto and
- 16 Gina McCarthy, the former administrator of the
- 17 EPA?
- MR. PARISER: Objection to form.
- 19 THE WITNESS: I was -- I was involved in
- the preparation of talking points for a -- for a
- 21 meeting with the administrator.
- 22 BY MR. ESFANDIARY:
- 23 Q And the meeting with the administrator
- was not open to public scrutiny, was it, sir?
- 25 A I --

- 1 MR. PARISER: Objection to form.
- THE WITNESS: I don't understand what
- you mean by "public scrutiny."
- 4 BY MR. ESFANDIARY:
- 5 Q Were others from the public invited to
- 6 observe the meeting between Monsanto and Gina
- 7 McCarthy, the administrator of the EPA?
- 8 A No, my -- my understanding was that was
- 9 not a -- not a public meeting, but the EPA meets
- with many different stakeholders on many different
- 11 topics.
- MR. ESFANDIARY: Exhibit No. 32.
- 13 (Murphey Exhibit No. 32 was marked
- for identification.)
- 15 BY MR. ESFANDIARY:
- Q And it's an e-mail, MONGLY03550799, from
- David Heering to Samuel Murphy, 8-9-2016, and it's
- 18 titled "Talking Points for Conversation with
- 19 Gina." Gina referring to Ms. McCarthy, the former
- 20 administrator of the EPA, correct?
- 21 A Yes, Administrator McCarthy.
- Q Okay. So one of the talking points in
- the attachment there is -- well, first of all, was
- this created during the ordinary course of
- 25 Monsanto business?

1 MR. PARISER: Objection to form. 2 THE WITNESS: Yes. 3 MR. ESFANDIARY: Okay, move this into 4 evidence. 5 BY MR. ESFANDIARY: 6 The -- if you turn the page to the 7 attachment, it says, "Suggested areas of focus for 8 the conversation." And you say, "There is already enough for EPA to act without the Scientific 9 10 Advisory Panel." 11 Do you see that, sir? 12 Yes, I see that bullet point. Α 13 And then, at the bottom, it says, "Other 0 14 countries are watching what both the EU and U.S. 15 EPA are doing. They have relied upon product 16 assessments by these two agencies for years to quide them in their own risk assessments." 17 see that, sir? 18 19 Α I do. 20 So Monsanto was of the opinion that with respect -- you know, whatever the decision EPA 21 22 makes with respect to glyphosate, other countries 23 were bound to rely upon that, correct? 24 Yes, my understanding from conversations Α 25 with our scientific and regulatory experts, is

- 1 that the -- the USEPA and the European authorities
- 2 are looked to by a number of other countries as --
- 3 as models.
- 4 Q So if the EPA's glyphosate issue paper
- is, for the sake of a hypothetical, tainted by
- 6 some undisclosed conflict of interest, would other
- 7 countries then also be relying upon that
- 8 qlyphosate issue paper for their assessments of
- <sup>9</sup> glyphosate?
- MR. PARISER: Objection to form,
- improper hypothetical.
- 12 THE WITNESS: It's -- I -- I don't
- understand what you are asking, with regard to the
- 14 potential tainting.
- 15 BY MR. ESFANDIARY:
- Q Well, my question -- let me put it this
- 17 way.
- Would an undisclosed conflict of
- interest in the EPA's 2016 glyphosate issue paper
- 20 have repercussions around the world, in terms of
- what other regulatory decisions -- regulatory
- agencies do with respect to glyphosate?
- MR. PARISER: Same objections.
- THE WITNESS: I'm -- I'm not aware of
- any conflict of interest within the issue paper,

- so I can only reiterate that I do know that EPA
- 2 assessments are looked at by many other countries
- 3 around the world.
- 4 BY MR. ESFANDIARY:
- Now, you testified earlier that you're
- 6 aware of who Mr. Jess Roland was, correct?
- 7 A Yes, I'm aware that Mr. Rowland was an
- 8 official at the EPA.
- 9 Q He was in the Office of Pesticide
- 10 Programs, correct?
- 11 A That was my understanding.
- 12 Q And he helped coauthor, or was the lead
- chair on the CARC report, correct?
- 14 A Again, I know he was -- he was involved
- in the -- in the Cancer Assessment Review
- 16 Committee. I'm -- I'm not familiar with his
- 17 specific role.
- Q Did Monsanto have a -- are you aware of
- whether Monsanto had a strong working relationship
- with Mr. Rowland during his tenure at the OPP?
- 21 A I was -- was aware that Monsanto
- employees occasionally interacted with Mr. Rowland
- in the course of business.
- MR. ESFANDIARY: Was that Exhibit 32?
- THE WITNESS: Yes, 32, sir.

- - 2 BY MR. ESFANDIARY:

1

Q Are you aware that right after IARC's

MR. ESFANDIARY: So this is --

- 4 initial announcement of its classification, the
- 5 Agency for Toxic Diseases -- what is it, Toxic
- 6 Substances and Disease Registry was also looking
- 7 to review glyphosate?
- 8 A I was -- was aware that there had been
- 9 conversations about a -- a possible review there.
- 10 Q And Monsanto was concerned about this
- 11 review, correct?
- MR. PARISER: Objection to form and
- 13 foundation.
- 14 THE WITNESS: Yes, we were -- we were
- concerned, in that it would be a duplicative
- 16 review by another agency, while the EPA was
- 17 conducting its work. And the EPA is the federal
- 18 agency charged with evaluating product -- products
- 19 like glyphosate.
- 20 BY MR. ESFANDIARY:
- 21 Q Sir, you'd agree with me that an issue
- 22 as serious as a product causing cancer warrants
- the most rigorous analysis and scrutiny as
- 24 possible, correct?
- 25 A Yes, I do, by the -- by the agencies

- 1 charged with making those types of assessments.
- 2 And with regard to glyphosate and pesticide
- products in the U.S., that agency is the USEPA.
- 4 Q Do you have any reason to doubt the
- 5 ability of the ATSDR to perform a comprehensive
- 6 analysis of glyphosate safety?
- 7 MR. PARISER: Objection to form and
- 8 foundation.
- 9 THE WITNESS: I am not personally
- 10 familiar with the ATSDR's capabilities, but I know
- that the EPA is specifically designed to make
- 12 those types of assessments, with regard to
- pesticide products.
- 14 BY MR. ESFANDIARY:
- 15 Q So why would it be duplicative of the
- 16 ATSDR to also assess the carcinogenicity of
- 17 glyphosate?
- 18 A It would be duplicative, because the EPA
- was, at that very point in time, in the midst of
- its risk assessment work on glyphosate. And that
- was work that had been underway, again, as we've
- discussed, since 2009. The EPA had worked its way
- through all of that literature, so this would be a
- duplicative process beginning, while EPA's work
- was still underway.

- 1 Q But why -- what would Monsanto lose by
- 2 having the ATSDR also look at the potential
- 3 carcinogenicity of glyphosate?
- 4 MR. PARISER: Objection to form.
- 5 THE WITNESS: It's not what Monsanto
- 6 would have to lose. It would be an inefficient
- 7 use of government resources to have two reviews
- 8 running in parallel, while the EPA was still
- 9 conducting its work.
- 10 BY MR. ESFANDIARY:
- 11 Q So your testimony to this jury is that
- the reason Monsanto was apprehensive about ATSDR
- performing a cancer review on glyphosate was
- 14 because Monsanto was concerned with saving
- government resources?
- MR. PARISER: Objection to form,
- 17 argumentative.
- THE WITNESS: No, we have -- we have a
- 19 process in place in the United States, through the
- 20 EPA, to conduct regulatory oversight of pesticide
- 21 products. The EPA was doing just that. A second
- review by the ATSDR in the midst of EPA's work
- would be duplicative.
- 24 BY MR. ESFANDIARY:
- Q What's wrong with that?

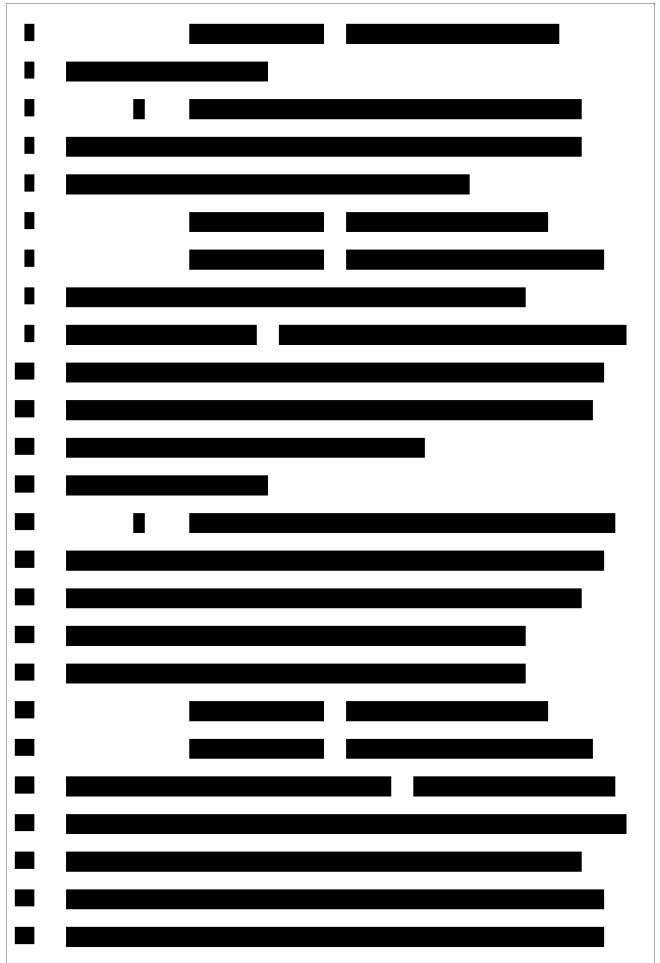
- 1 MR. PARISER: Objection, argumentative.
- THE WITNESS: In my -- in my view, we
- want government to operate as efficiently as
- 4 possible. And when you have an agency that has
- 5 the competence and the expertise to conduct a
- 6 review, you should let it do its work.
- 7 BY MR. ESFANDIARY:
- 8 Q If you have multiple agencies that have
- 9 the competence to conduct the review, wouldn't you
- want them to do it, to ensure the product truly is
- 11 not carcinogenic?
- MR. PARISER: Objection, lack of
- 13 foundation, argumentative.
- 14 THE WITNESS: No, I -- I think when you
- have an agency with specialization in regulating a
- 16 type of product, such as pesticides, that agency
- 17 should take the lead and do its work within the
- 18 scope of its remit.
- 19 BY MR. ESFANDIARY:
- Q Mr. Murphey, is Monsanto against the
- 21 notion of too many regulatory agencies reviewing
- 22 glyphosate potential carcinogenicity?
- MR. PARISER: Objection to form and
- 24 foundation.
- THE WITNESS: No, glyphosate has been

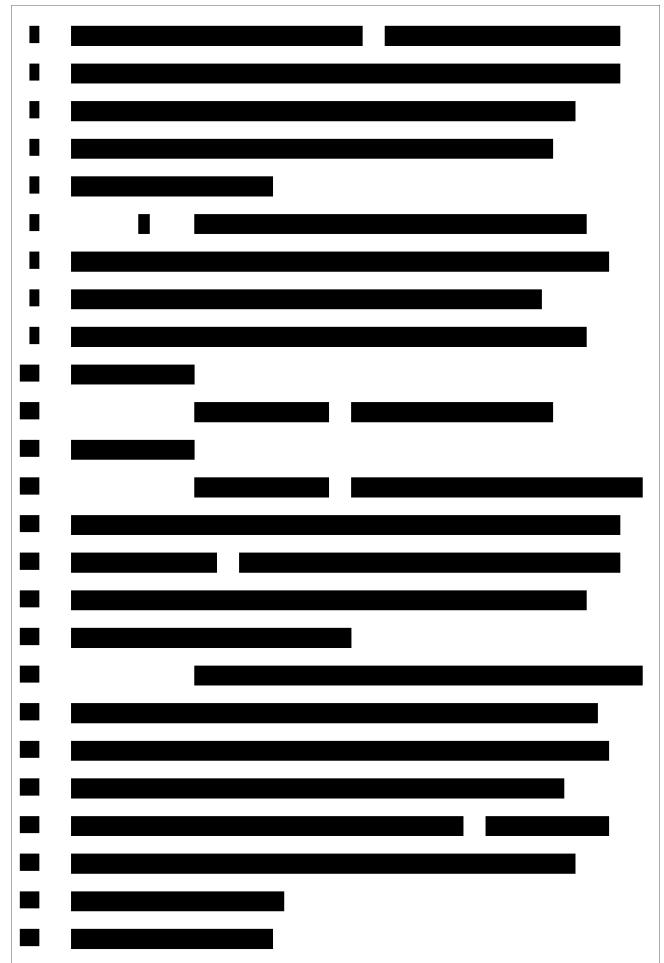
- 1 reviewed by regulatory agencies in numerous
- 2 markets around the world.
- We -- and we believe that the product
- 4 should be reviewed by the competent regulatory
- 5 authority for pesticides in those -- in those
- 6 markets. In the case of the U.S. government, that
- 7 agency is the EPA.
- 8 BY MR. ESFANDIARY:
- 9 Q Right. But you agree with me that the
- 10 ATSDR is more than competent and able to review
- 11 glyphosate, correct?
- MR. PARISER: Objection -- objection,
- 13 foundation.
- 14 THE WITNESS: Again, I'm not fully
- familiar with all of the capabilities within the
- 16 ATSDR. I -- I don't have that insight. What I
- understand, based on my discussions and my work in
- 18 the industry, is that the EPA is uniquely
- 19 qualified and equipped to regulate pesticides.
- 20 BY MR. ESFANDIARY:
- Q And -- okay, well, we'll go to the
- document. Well, did Monsanto try to stop the
- 23 ATSDR review?
- MR. PARISER: Objection, form and
- <sup>25</sup> foundation.

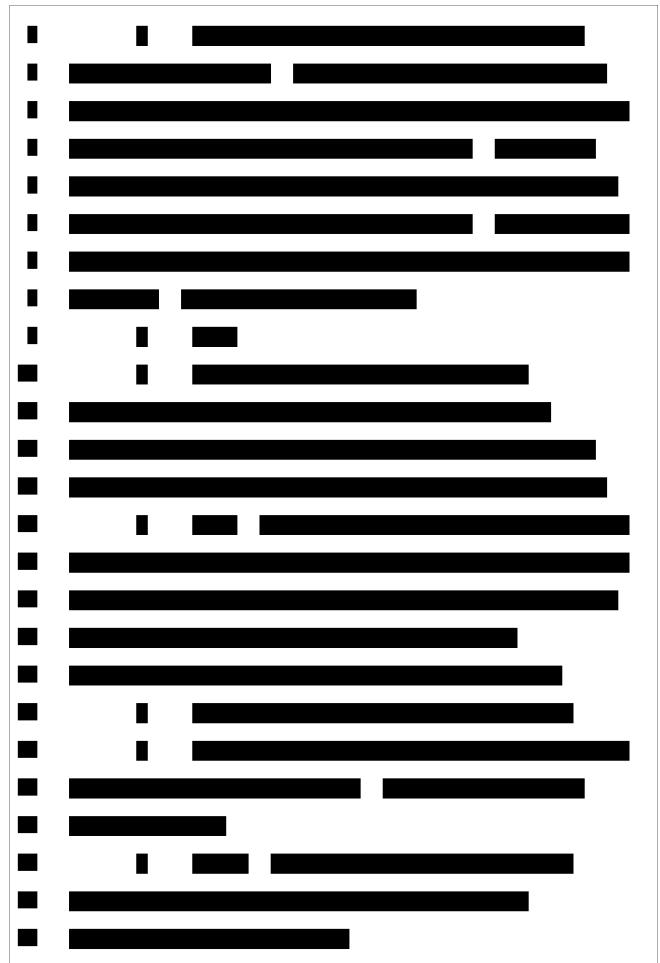
- THE WITNESS: My understanding was that
- once we became aware of the possibility of ATSDR
- 3 review, we brought that to the attention of the
- 4 EPA.
- 5 BY MR. ESFANDIARY:
- 6 Q My question was, did Monsanto try to
- 7 stop the ATSDR review?
- MR. PARISER: Same objections, asked and
- 9 answered.
- 10 THE WITNESS: No, I think -- I think my
- understanding was, we flagged it for the EPA as
- 12 something that they might want to look into,
- again, because their review process was underway,
- and now there was the possibility of a second
- agency coming in, we thought that might be
- something the EPA would want to look into.
- 17 BY MR. ESFANDIARY:
- 18 Q Did you flag it to the EPA in the hope
- that the EPA would ask the ATSDR to not go ahead
- with its review?
- MR. PARISER: Same objections.
- THE WITNESS: Again, I think -- my
- understanding was we wanted the EPA to look into
- what was happening. And then it would be the
- 25 EPA's decision to do whatever it saw fit. But we

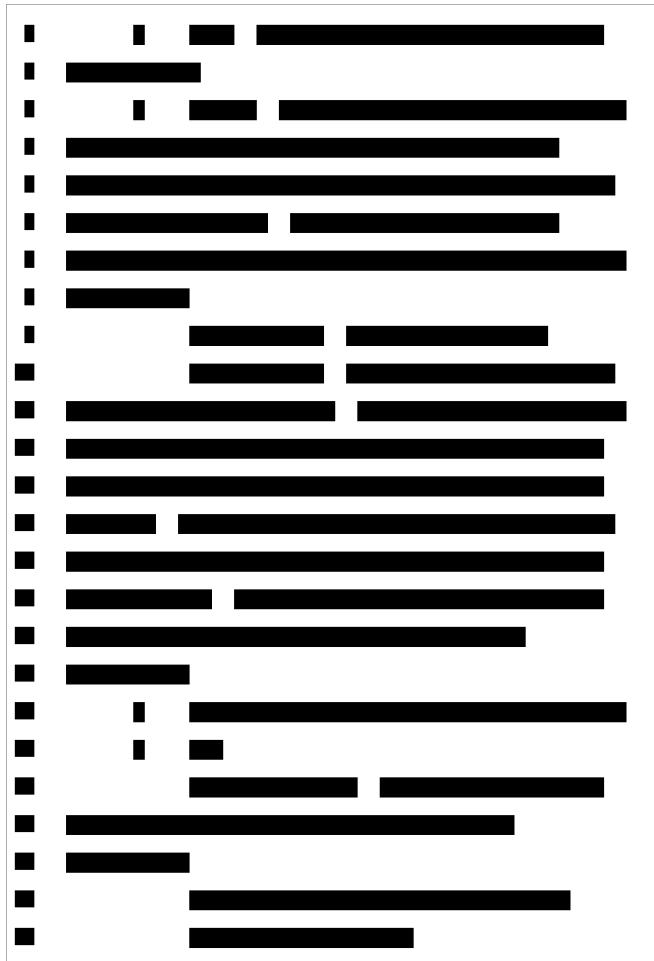
- 1 did not goo the need for a duplicative review
- did not see the need for a duplicative review,
- 2 separate from the work that EPA was doing.
- 3 BY MR. ESFANDIARY:
- 4 Q So Monsanto's wish was for the ATSDR
- 5 review to not proceed, correct?
- 6 MR. PARISER: Objection to form,
- 7 foundation, and asked and answered.
- 8 THE WITNESS: Our wish -- no, our wish
- 9 was for the EPA to conduct its work, and to
- 10 publish its preliminary risk assessment. And
- 11 again, we saw a secondary review by another agency
- would be duplicative to that process.
- 13 BY MR. ESFANDIARY:
- 14 Q So as you just said, if Monsanto thought
- the process would be duplicative, Monsanto did not
- want the ATSDR to proceed with its review,
- 17 correct?
- 18 A Correct.
- MR. PARISER: Objection, asked and
- answered.
- THE WITNESS: We wanted the EPA to do
- its work. The EPA is the regulatory authority on
- pesticides in the U.S.
- 24 BY MR. ESFANDIARY:
- 25 Q So just so the record is clear, Monsanto

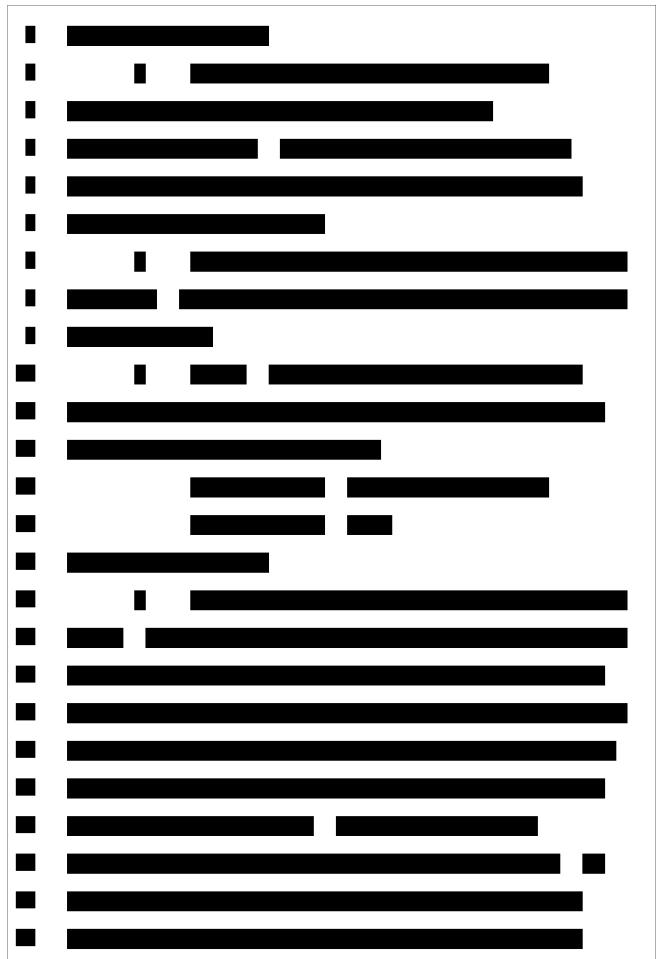
1 did not want the ATSDR to proceed with its review of glyphosate carcinogenicity, correct? 2 MR. PARISER: Objection, Asked and 3 4 answered. Correct. 5 THE WITNESS:

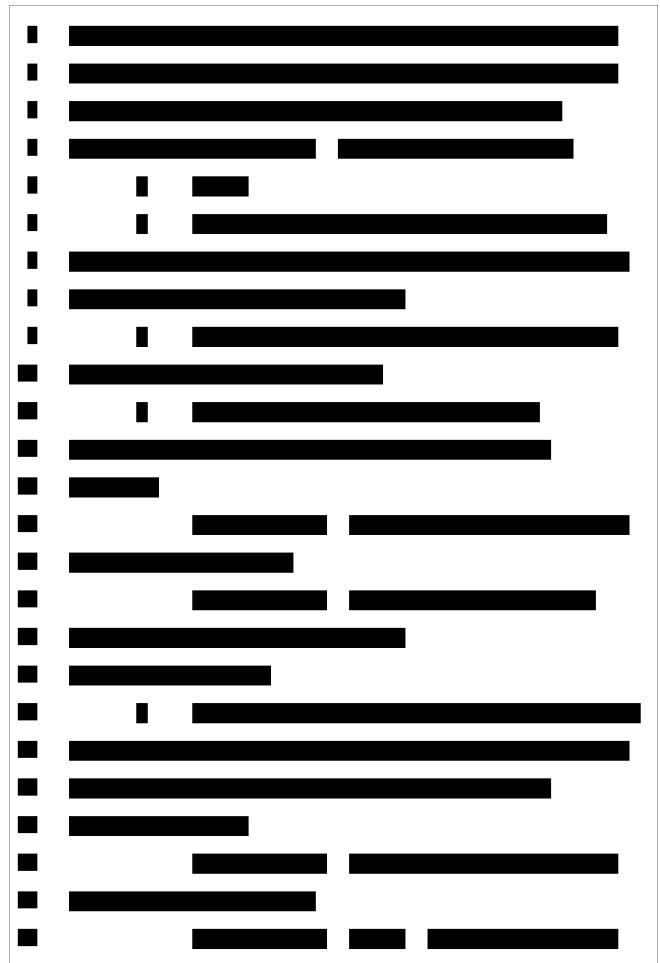


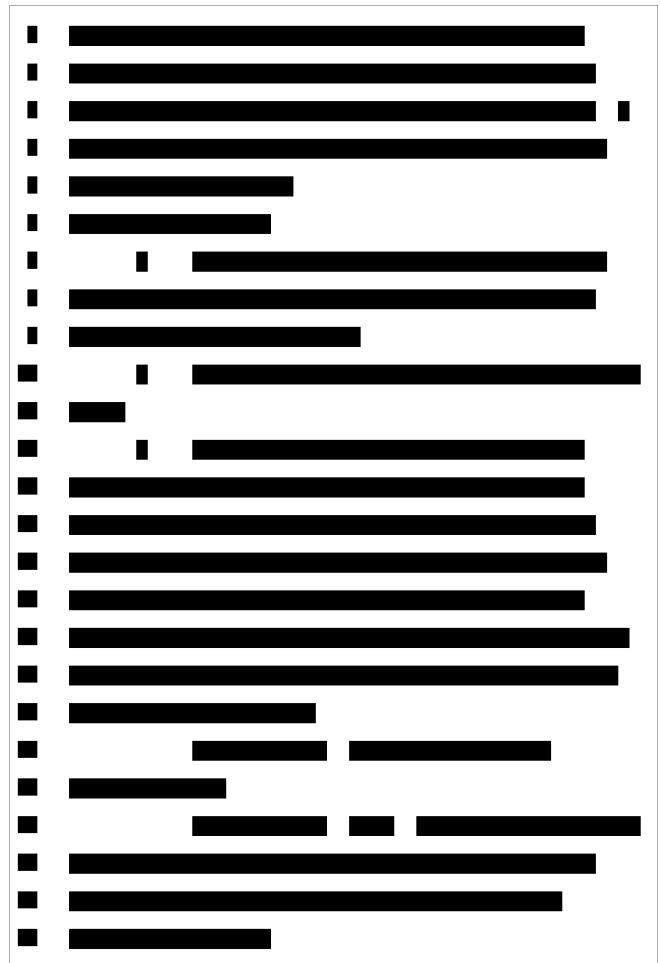


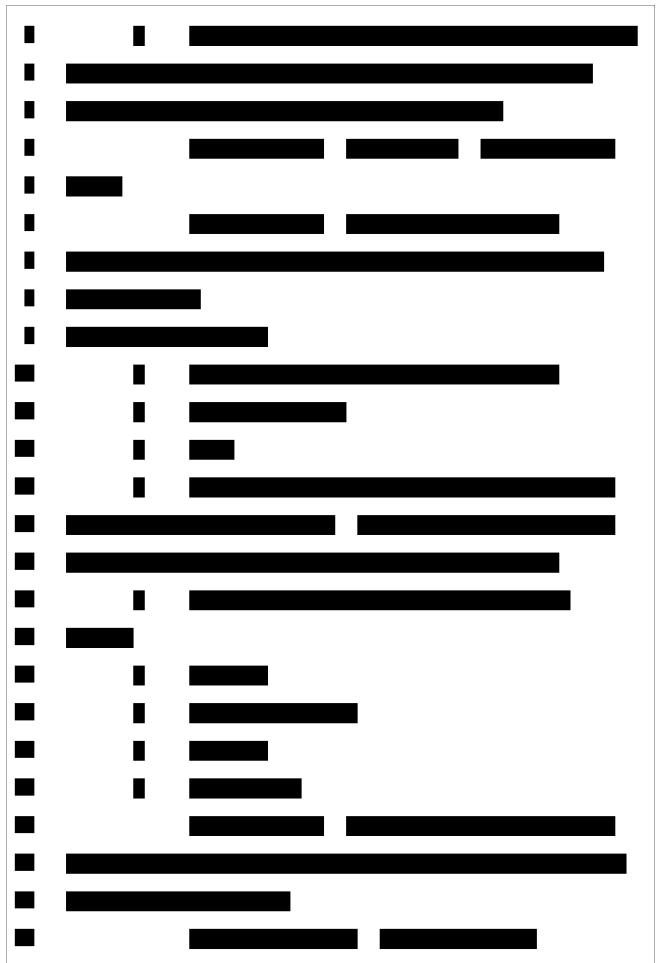


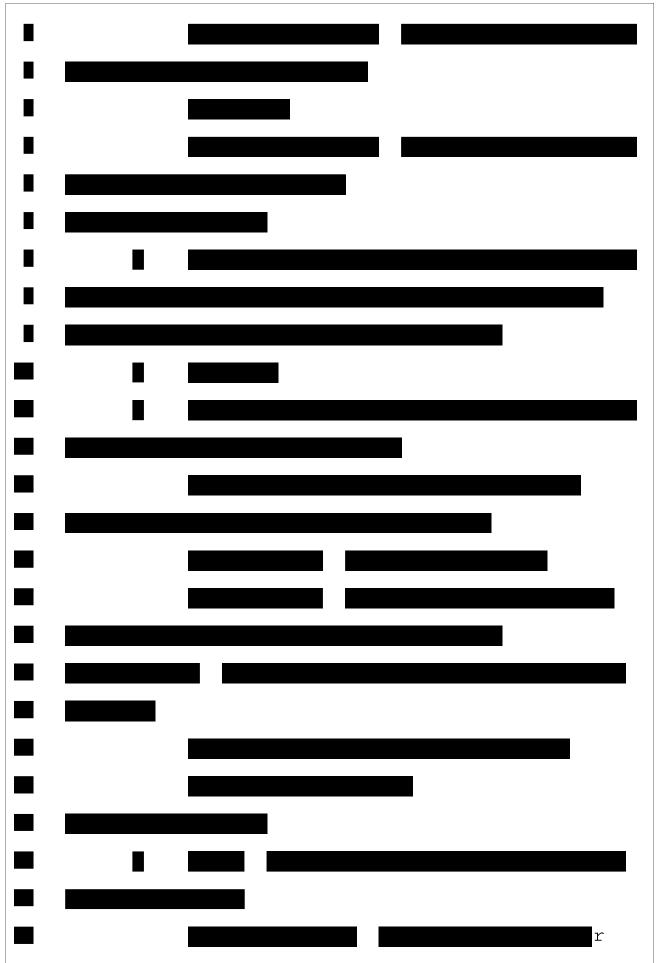


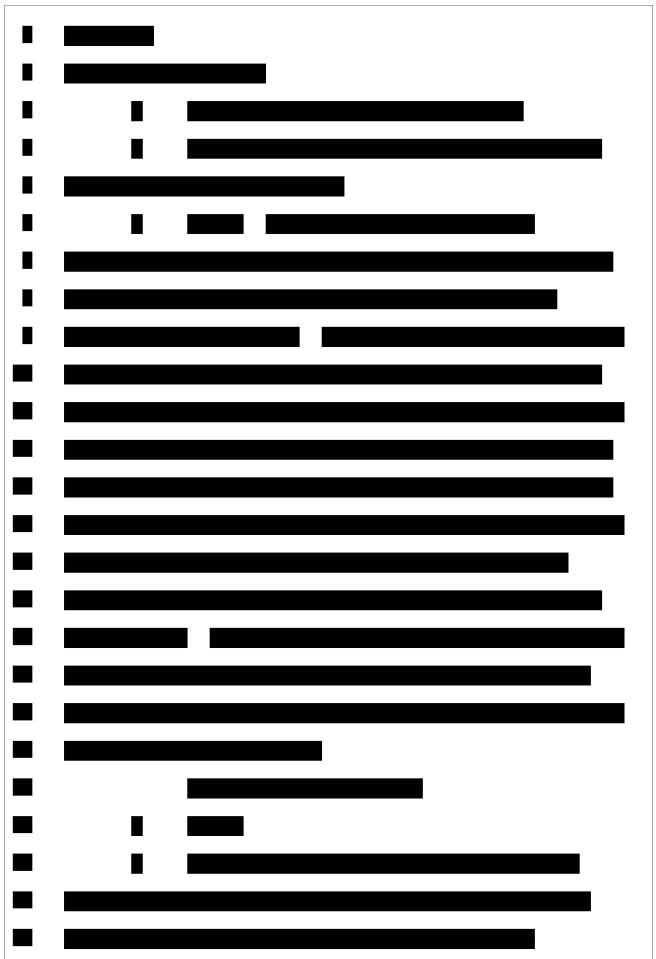












3 And, Mr. Murphey, are you an attorney? 4 Α No. 5 Is Mr. Rands an attorney? Q 6 Α Yes. 7 And is -- Melissa Duncan, she's not an 0 8 attorney either, correct? 9 Α No, Ms. -- Ms. Duncan is a lawyer. 10 Okay. Did you have any knowledge about 11 Ms. Kelland's request? 12 Α No. 13 Prior to this e-mail, had you been in 14 communication with Ms. Kelland? 15 Maybe once or twice, just in -- in 16 response to an inquiry, but I -- I don't recall 17 any interaction with her prior to this. Did you ever send Ms. Kelland materials 18 19 to be worked into published articles that were not 20 solicited by her? 21 MR. PARISER: Objection to form. 22 THE WITNESS: Yes, there were occasions 23 where I reached out to Ms. Kelland to discuss --24 to discuss some information and concepts with her. 25 BY MR. ESFANDIARY:

- 1 Q Do you -- does Monsanto perceive
- 2 Ms. Kelland to be a favorable ally in
- 3 communicating about Roundup safety?
- 4 MR. PARISER: Objection to form.
- 5 THE WITNESS: No, I consider Ms. Kelland
- 6 to be a highly professional journalist, with an
- 7 extensive background in covering scientific and
- 8 medical topics.
- 9 BY MR. ESFANDIARY:
- 10 Q You previously sent Ms. Kelland
- information about the Working Group 112,
- 12 specifically a member of Working Group 112,
- 13 Dr. Aaron Blair, correct?
- 14 A Yes.
- 15 Q And that information was then turned
- into a Reuters published piece, correct?
- MR. PARISER: Objection to form.
- THE WITNESS: Yes, I reached out to
- 19 Ms. Kelland, and provided some background
- information and some documents to her, for her to
- review and analyze. And, ultimately, she and her
- editors made the decision to run a story.
- 23 BY MR. ESFANDIARY:
- 24 Q And why did you specifically reach out
- to Ms. Kelland?

- 1 A I -- again, having been aware of, you
- 2 know, this request, and the fact that, you know,
- 3 she had written about glyphosate, I thought it
- 4 might be information that would be of interest to
- 5 her. And I thought that she might have, you know,
- 6 more context on IARC as an organization than, you
- 7 know, a reporter who covered something other than
- 8 science and medical issues.
- 9 Q When you sent that information to
- 10 Ms. Kelland to be turned into a story in Reuters,
- did the final story disclose the fact that the
- information had come from Monsanto Company?
- MR. PARISER: Objection to form.
- 14 THE WITNESS: I -- no, the story doesn't
- specifically state that documents were provided by
- 16 Monsanto, although it certainly did make clear
- 17 that they were documents relevant to this
- 18 litigation, and Monsanto was quoted in the story.
- 19 (Murphey Exhibit No. 36 was marked
- for identification.)
- 21 BY MR. ESFANDIARY:
- Q I'm marking as Exhibit 36, an e-mail
- from yourself to Ms. Kelland. And it's not just
- to -- well, the initial e-mail dated April 27,
- 25 2017 is to Ms. Kelland from yourself, regarding

- 1 your voicemail. And it's MONGLY07575511. And
- then you forward that e-mail to Mr. Rands.
- And in the e-mail to Ms. Kelland, you
- 4 say, "I am passing along a background summary
- 5 deck; the deposition testimony of the IARC Chair,
- 6 Aaron Blair, and a number of additional documents
- 7 will follow. We are sending these exclusively to
- 9 you for your review."
- 9 A Yes.
- 10 Q You didn't send this information to
- 11 anyone else?
- 12 A No. At this point in time, I was
- 13 sharing it with -- with Ms. Kelland.
- 14 Q You say, "Please treat the summary deck
- 15 as background information, but the quotes from our
- 16 VP of strategy, Scott Partridge, is on the
- 17 record." Why did you want Ms. Kelland to treat
- 18 the materials you had sent her about Dr. Blair and
- 19 IARC as background information?
- MR. PARISER: Objection to form.
- THE WITNESS: I was sending Ms. Kelland
- 22 a number of documents, including the deposition,
- which was several hundred pages long. And so I
- had pulled together the background information and
- the summary deck to help point her to some

- 1 specific citations within those underlying
- <sup>2</sup> documents.
- 3 BY MR. ESFANDIARY:
- 4 Q Well, what I'm struggling to understand,
- 5 Mr. Murphey, is, you send these -- you send
- 6 Dr. Blair's deposition to Ms. Kelland, correct?
- 7 A Yes.
- 8 Q Right? And you also say in your e-mail,
- 9 "The deposition and other documents clearly show
- 10 that Dr. Blair concealed information from the IARC
- working group that showed no link between
- 12 glyphosate and cancer, "correct?
- 13 A That's correct.
- 14 O And then I went to Ms. Kelland's
- article, and I couldn't find a single quote,
- direct quote from the deposition testimony of
- 17 Dr. Blair. Do you know why?
- 18 A I don't recall whether there are
- 19 specific quotes from the deposition testimony or
- 20 not.
- 21 Q But see, why I'm confused is, you're
- saying that the -- if the deposition clearly shows
- that Dr. Blair concealed information from the IARC
- working group, why would Ms. Kelland not quote
- 25 that in the article?

- 1 MR. PARISER: Objection, lack of
- <sup>2</sup> foundation.
- THE WITNESS: I think Ms. Kelland's
- 4 article makes clear that at the point in time that
- 5 Dr. Blair was Chair of the IARC working group, he
- 6 had in his possession updated Agricultural Health
- 7 Study data, and that data was not shared with the
- 8 IARC working group.
- 9 BY MR. ESFANDIARY:
- 10 Q Mr. Murphey, nowhere in Ms. Kelland's
- 11 article does she quote Dr. Blair -- any portion of
- 12 Dr. Blair's testimony purporting to show that he
- 13 hid information from IARC. Do you agree with me
- 14 on that, sir?
- MR. PARISER: Objection.
- 16 BY MR. ESFANDIARY:
- 17 Q I can show you the article, if you'd
- 18 like -- if you'd like.
- 19 A I would -- I would need to read the
- 20 article again to familiarize myself with that.
- Q Absolutely.
- 22 A But I will say, the article makes very
- clear that the draft manuscripts existed, and that
- they had not been published, nor were they shared
- with the working group, prior to the meeting.

1 (Murphey Exhibit No. 37 was marked 2 for identification.) 3 BY MR. ESFANDIARY: 4 Q I'm marking as Exhibit No. 37 to your 5 deposition there, sir, there's -- the report, or 6 rather the article by Ms. Kelland published in 7 Reuters on June 17th, 2017, sir. And that is just 8 around three or four months after you sent the background materials to Ms. Kelland, correct? 10 That would be just over -- just under Α 11 two months. 12 Two months, yes. And this article --Q 13 you've read it before, correct, sir? 14 Α Yes. 15 Okay. Can you show the jury exactly 16 where in here, Ms. Kelland quotes Dr. Blair, where 17 he says that he withheld information from the IARC 18 working group? 19 Α So I see multiple references here in the 20 article to the fact that the data weren't 21 published, multiple justifications were -- were 22 given, and that the -- there's acknowledgement 23 that the data were not available to the committee 24 itself. 25 In Ms. Kelland's words, correct, sir?

- 1 A Correct.
- 2 O So nowhere in that article is there a
- quote from the deposition of Dr. Blair, indicating
- 4 that Dr. Blair misled anyone on IARC, correct,
- 5 sir?
- 6 MR. PARISER: Objection to form.
- 7 THE WITNESS: No, the -- the article
- 8 reflects the fact that the data existed, that
- 9 the -- that the data had been reviewed. There is
- discussion from individuals involved in the
- 11 Agricultural Health Study that it would be
- 12 irresponsible if they didn't seek publication of
- the manuscript prior to IARC's decision, but I
- don't see a direct quote from the deposition.
- 15 BY MR. ESFANDIARY:
- Q Right. And when you say the
- deposition -- when you write to Ms. Kelland
- 18 saying, "The deposition and other documents
- 19 clearly show that Dr. Blair concealed
- information," and -- at the same time, you're
- 21 asking her to "please treat the summary deck as
- 22 background information," can you please explain
- why you decided to ask Ms. Kelland to treat the
- background deck as -- the summary deck as
- background information and not quote from it?

- - 1 MR. PARISER: Objection to form.
- THE WITNESS: Again, the -- the
- 3 background -- the summary deck itself was designed
- 4 to help Ms. Kelland work her way through the
- 5 documents. As a journalist, I knew she was going
- 6 to take her time and read and review everything on
- 7 her own, but I wanted to flag for her key -- key
- 8 facts and key quotes from the documents.
- 9 To give an example, you know, I cite a
- quote from page 178 of the deposition, you know,
- where Dr. Blair was asked, "And did you alert any
- of your fellow working group members, or any other
- members of the subgroup on epidemiology at IARC
- 14 about the fact that this much larger AHS cohort
- 15 study, with a larger follow -- a larger time of
- 16 follow-up and higher levels of exposure had been
- 17 conducted?
- "Answer: No."
- So I was pointing her to those types of
- references throughout the documents, so that she
- 21 could review them, and decide whether those were
- individual quotes that she wanted to include.
- 23 BY MR. ESFANDIARY:
- Q And you didn't point her to the parts
- where Dr. Blair explains the reasons for why the

- 1 AHS results had not been published by the time of
- the monograph, correct, sir?
- 3 A Ms. Kelland talks about multiple reasons
- 4 in the story. That they made the decision to
- 5 publish some other pieces of data, but felt that
- 6 the section on glyphosate wouldn't fit. I
- 7 don't -- I don't understand those decisions, but
- 8 that type of explanation is included in her story.
- 9 Q Okay. But ultimately, you don't
- understand the decisions for why the preliminary
- 11 results were not published, correct, sir?
- 12 A No, I -- I think an explanation, such as
- is given in here, that -- you know, that there
- were space constraints, or that it was too much
- data for one publication, I -- that doesn't make
- sense to me.
- 17 Q Mr. Murphey, what's the name of the
- publication, the preliminary AHS publication?
- 19 A I would have to go back and review
- the -- the title of the draft.
- Q Okay. When was the initial draft put
- 22 together, sir?
- 23 A My recollection was that the draft that
- Dr. Blair had in his possession was from 2013.
- Q Are you aware that it was incomplete?

- 1 A No. My -- it was -- it was a
- 2 publication that was well -- well in the process
- of development. We're now talking about an IARC
- 4 meeting that occurred two years after that data
- was collected in manuscript form.
- 6 Q So you don't know -- and you testified
- 7 earlier that you don't know anything about the
- 8 process leading up to the publication, but at the
- 9 same time, you're comfortable testifying that
- 10 Dr. Blair misled the IARC working group on the
- 11 data?
- MR. PARISER: Objection to form.
- 13 THE WITNESS: I think there's
- 14 significant questions that needed to be answered
- 15 here. You know, why -- why weren't the data
- 16 published in advance of the working group meeting?
- 17 If Dr. Blair was aware of the larger data set that
- 18 existed, why wasn't the IARC meeting delayed to
- 19 let that important data be considered?
- There -- there were multiple lines of
- 21 inquiry that we thought were appropriate to bring
- to a reporter to analyze for herself.
- 23 BY MR. ESFANDIARY:
- 24 Q These are questions that you have, but
- does it show that Dr. Blair clearly misled the

- - 1 IARC working group?
  - 2 A I think the fact that the data existed,
  - 3 that the data were in Dr. Blair's possession, that
  - 4 the working group was allowed to rely on an older
  - 5 and smaller version of the data, I think that is
  - 6 concealment.
  - 7 Q Even though the data has not been
  - 8 completed yet, correct?
  - 9 MR. PARISER: Objection, asked and
- answered.
- 11 THE WITNESS: Well, it has been now. It
- was -- it was published in the Journal of the
- 13 National Cancer Institute.
- 14 BY MR. ESFANDIARY:
- Q What year?
- 16 A It was late 2017.
- 17 Q How many years after the IARC monograph
- 18 is that?
- 19 A Well, more than two.
- 20 Q So the data was finally complete two
- years after the IARC monograph, correct, sir?
- MR. PARISER: Objection. Objection to
- 23 form.
- THE WITNESS: I -- I can't explain why
- there was -- why there was such a delay. We

1

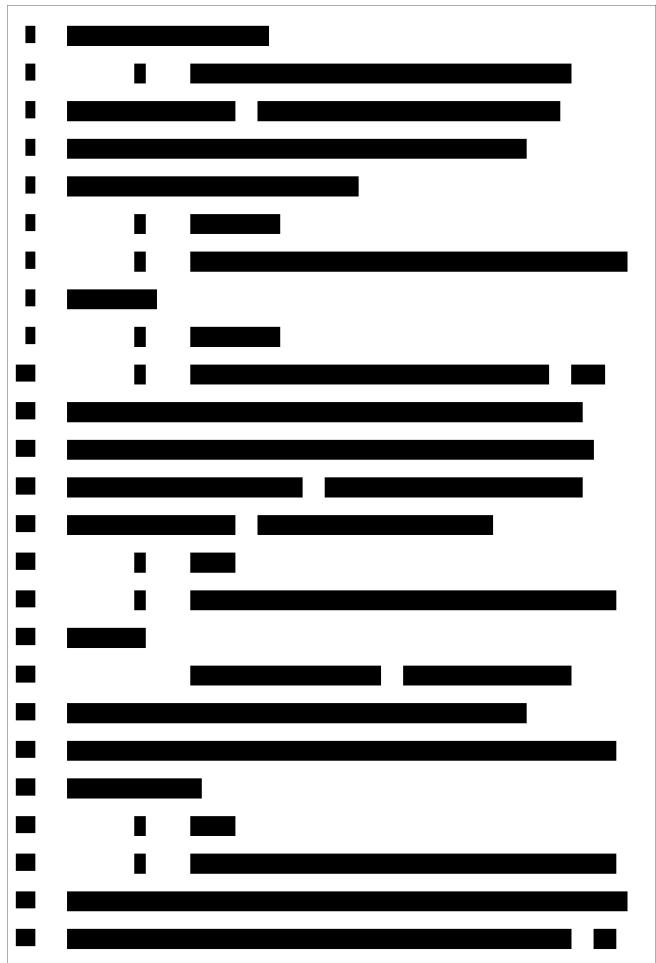
thought it was critically important that that

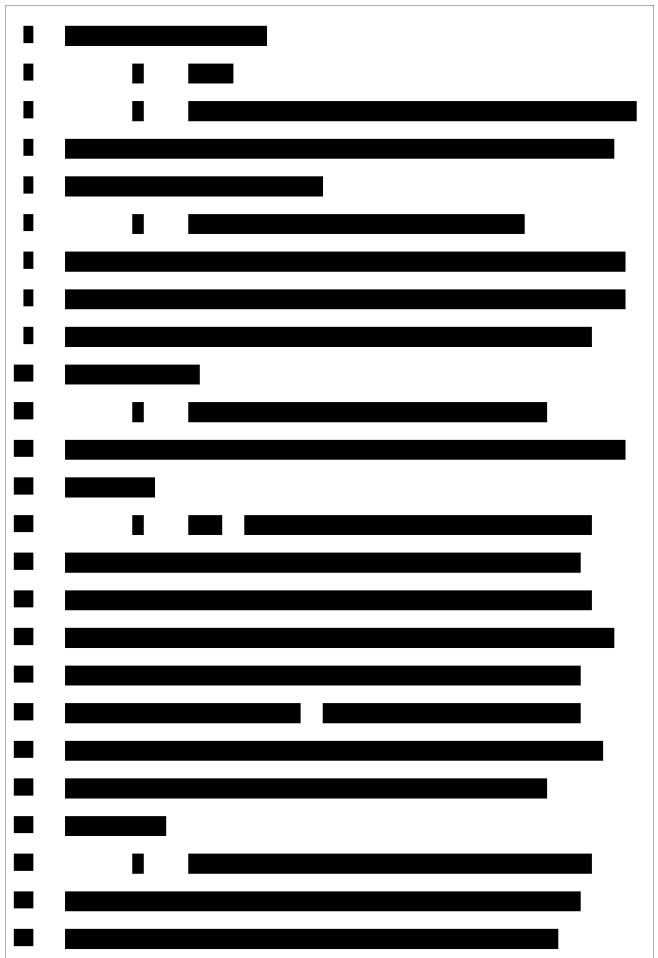
- 2 draft manuscript come to light, so that it
- 3 ultimately could be published.
- 4 BY MR. ESFANDIARY:
- 5 Well, at the time when the IARC 0
- 6 monograph was reviewing glyphosate, the
- 7 preliminary AHS data was incomplete. Do you
- 8 understand that, sir?
- 9 MR. PARISER: Objection to form.
- 10 THE WITNESS: I -- I can't speak to its
- 11 completeness, one way or another. But what I know
- 12 is that there was a -- a relative -- a detailed
- 13 manuscript that had been prepared. There was
- 14 discussion among members of the AHS about whether
- 15 it should be published. Again, Ms. Kelland cites
- 16 e-mail correspondence saying it would be
- 17 irresponsible not to get this published prior to
- 18 the IARC meeting. I think there are very
- 19 legitimate questions about why that didn't occur.
- 20 BY MR. ESFANDIARY:
- 21 Legitimate questions, though, are not 0
- 22 equivalent to clearly misleading the working
- 23 group, correct, sir?
- 24 MR. PARISER: Objection, argumentative,
- 25 asked and answered.

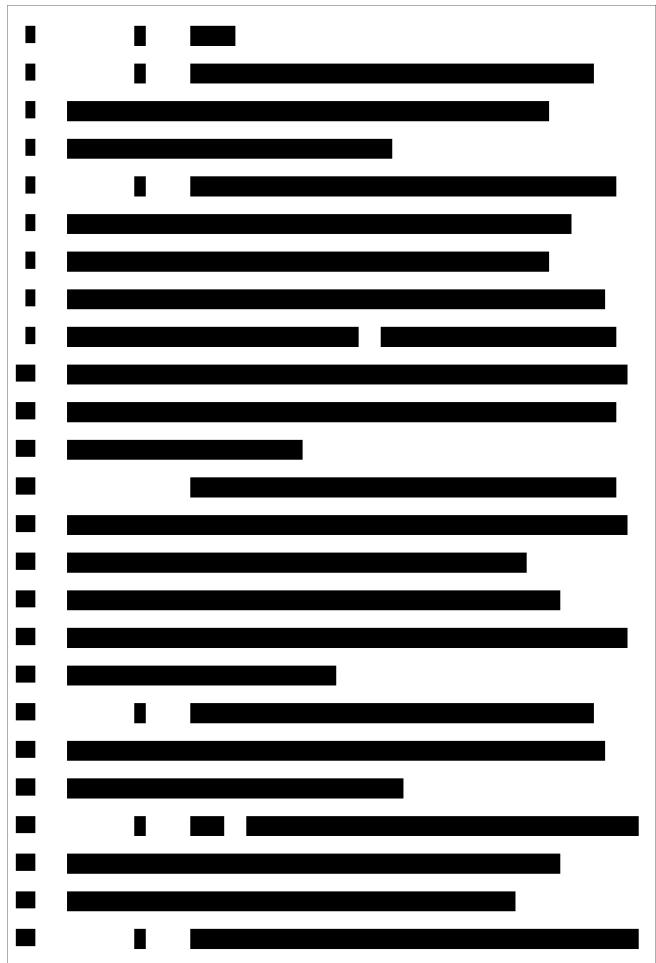
- THE WITNESS: No. As I have -- as I
- 2 have said, I believe that not divulging that
- information to the working group was concealing
- 4 and was misleading.
- 5 BY MR. ESFANDIARY:
- 6 Q You do realize that IARC only considers
- 7 complete, fully published, transparent,
- 8 independent data. Are you aware of that, sir?
- 9 MR. PARISER: Objection to form.
- 10 THE WITNESS: I'm aware that is
- outlined as a -- as a quideline for IARC. And
- 12 again, I think that's why the question raised by
- Dr. Alavania is so relevant. Get the data
- 14 published before the IARC meeting.
- 15 BY MR. ESFANDIARY:
- Q Right. But you -- in terms of IARC's
- 17 protocol, it cannot consider incomplete data. Are
- 18 you aware of that?
- 19 A My understanding is, yes, that -- that
- 20 IARC relies on -- relies on published, publicly
- 21 available data. I think there are significant
- questions about why a taxpayer-funded study that
- 23 contained the largest data set looking at
- 24 glyphosate and cancer had not been published, and
- why an IARC working group meeting went forward,

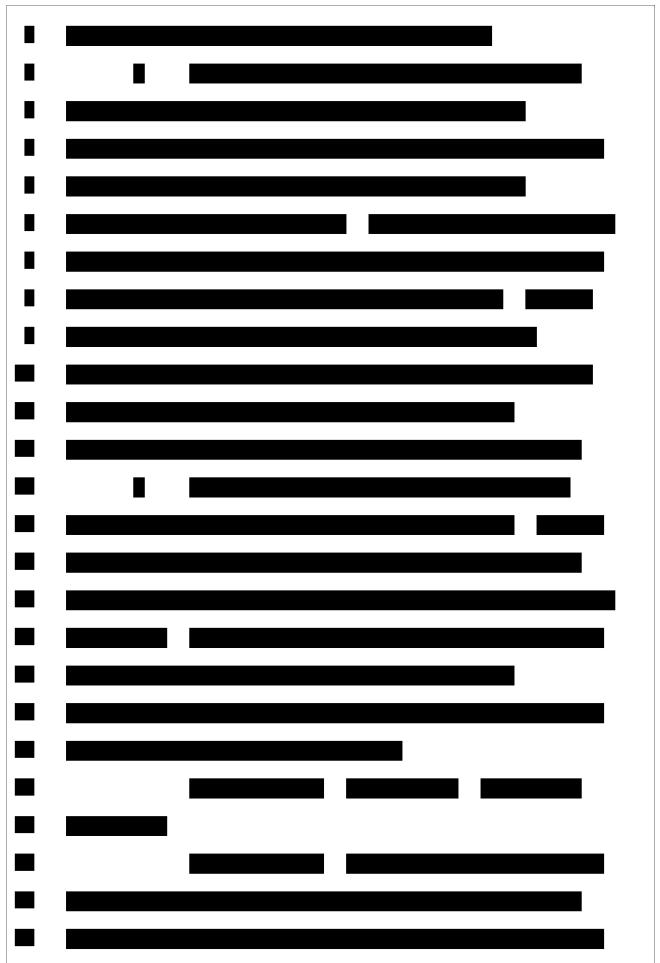
- when the chair of that working group knew that
- there was a data set regarding glyphosate, and
- 3 could have flagged that and said, Look, maybe we
- 4 should delay our working group meeting to allow
- 5 that data to be published.
- 6 Q Is it your testimony to this jury that
- 7 Dr. Blair is responsible for when and under what
- 8 circumstances the AHS would be published?
- 9 A No, I -- I can't testify to that either
- way. I know Dr. Blair was involved in the study.
- 11 I'm not aware of his particular role.
- 12 Q Mr. Murphey, what is -- and I'm
- 13 struggling to pronounce this -- Hakluyt? It's
- 14 H-A-K-L-U-Y-T.
- 15 A I'm not -- could you allow me to see it
- in context?
- 17 Q I believe it's an organization. Are you
- 18 familiar with an organization that is called
- 19 Hakluyt?
- 20 A Offhand, I'm -- I'm not sure what
- organization that is.

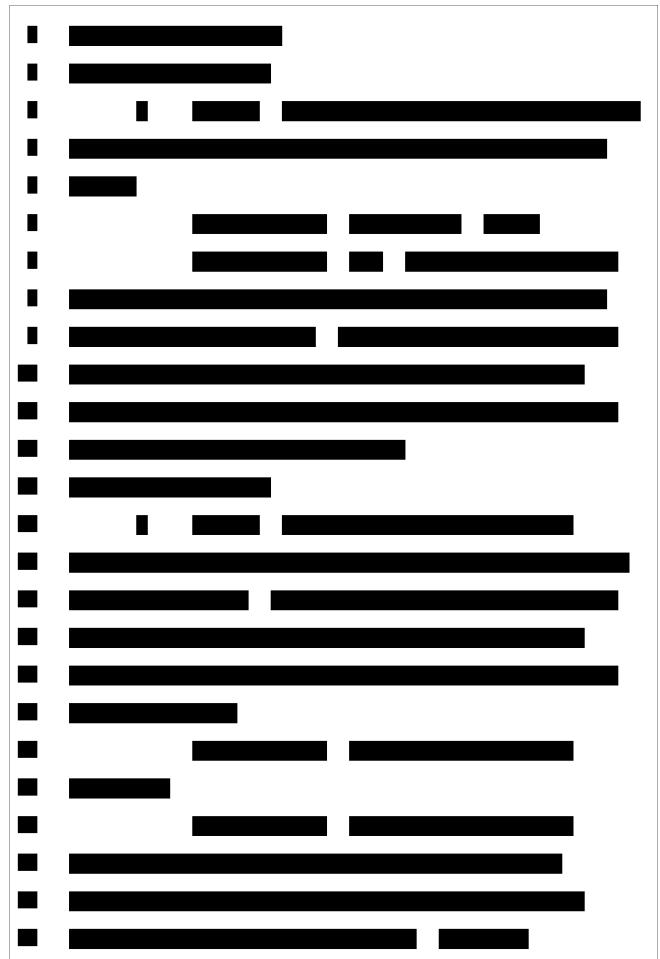
11 Okay. That's fine. You can put that 0 12 aside. 13 MR. ESFANDIARY: Why don't we take a five-minute break, so I can review my notes. 14 15 MR. PARISER: Sure. 16 MR. ESFANDIARY: I think I'm almost 17 done. 18 MR. PARISER: Okay. 19 THE VIDEOGRAPHER: The time is 5:03 p.m. 20 We're going off the record. 21 (Recess.) 22 THE VIDEOGRAPHER: The time is 5:12 p.m., and we're back on the record. 23

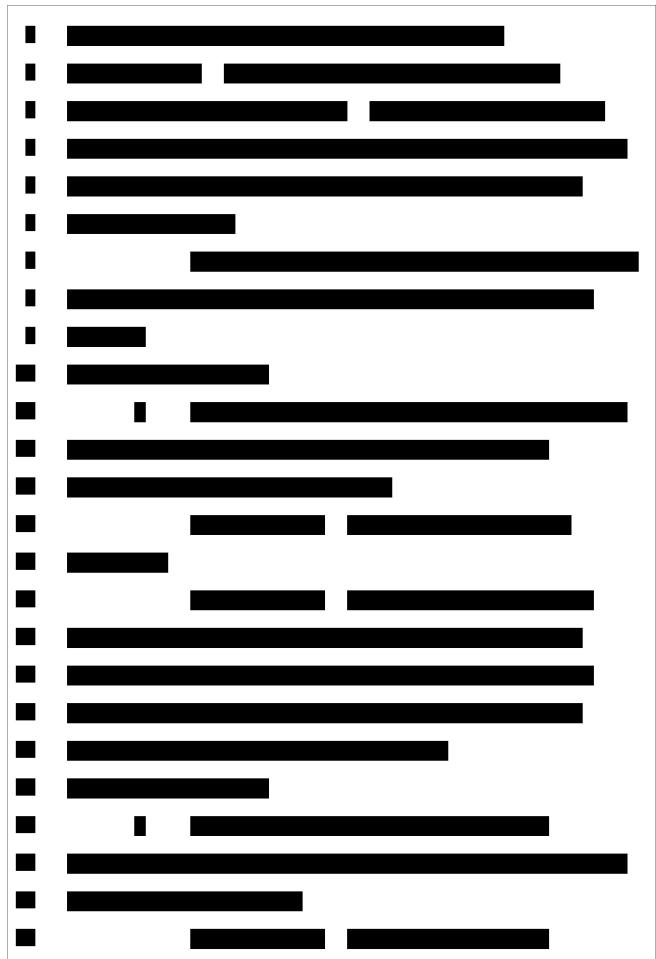


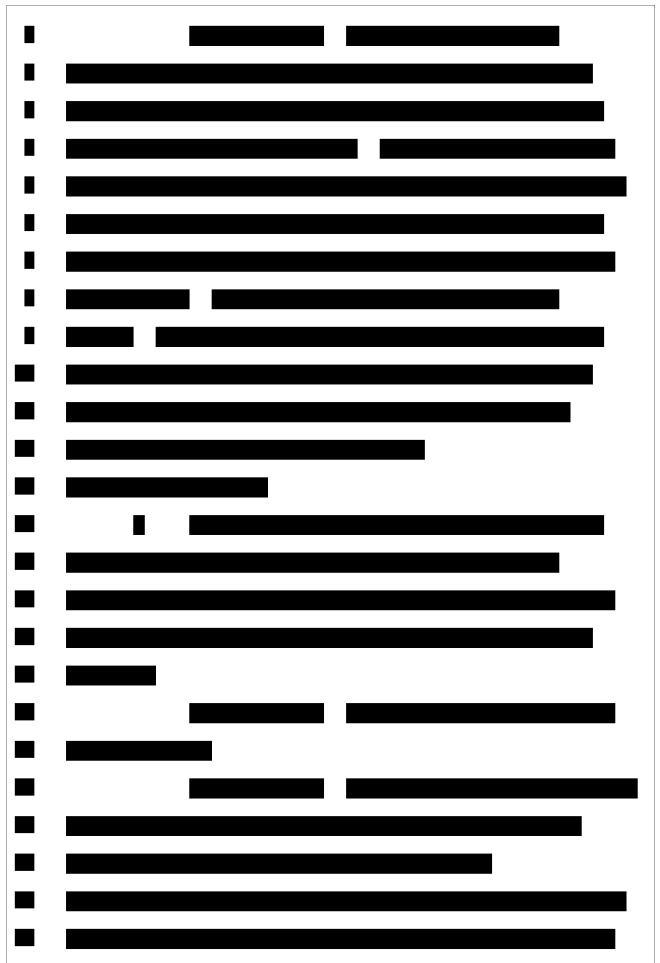


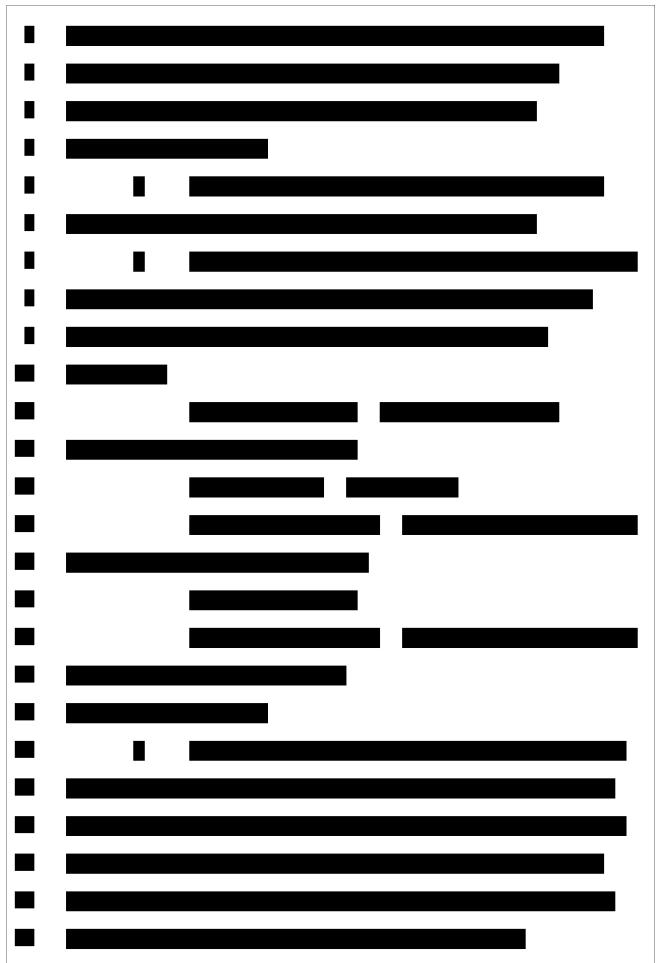


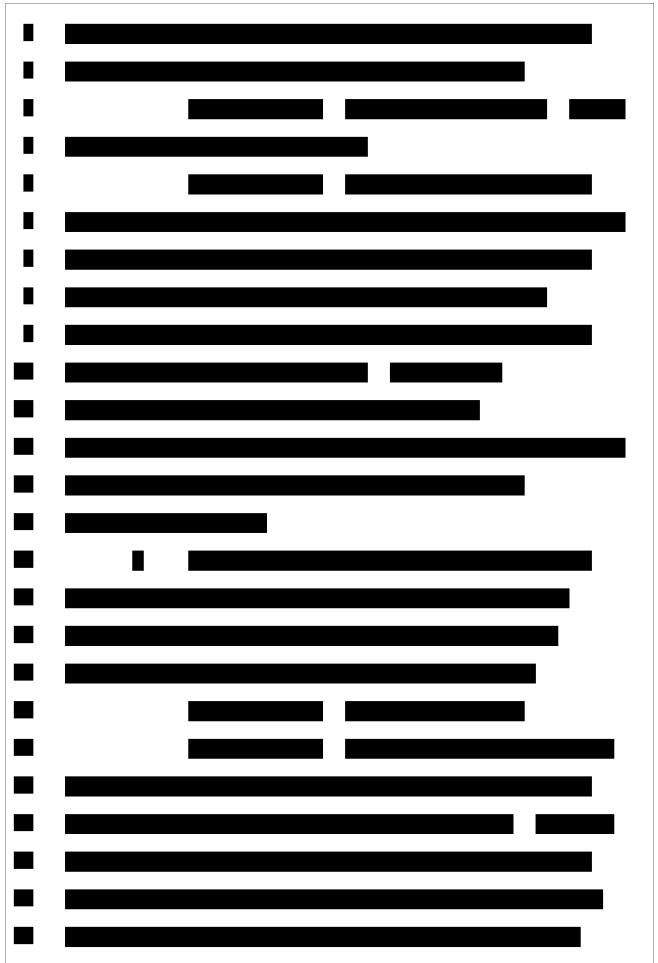


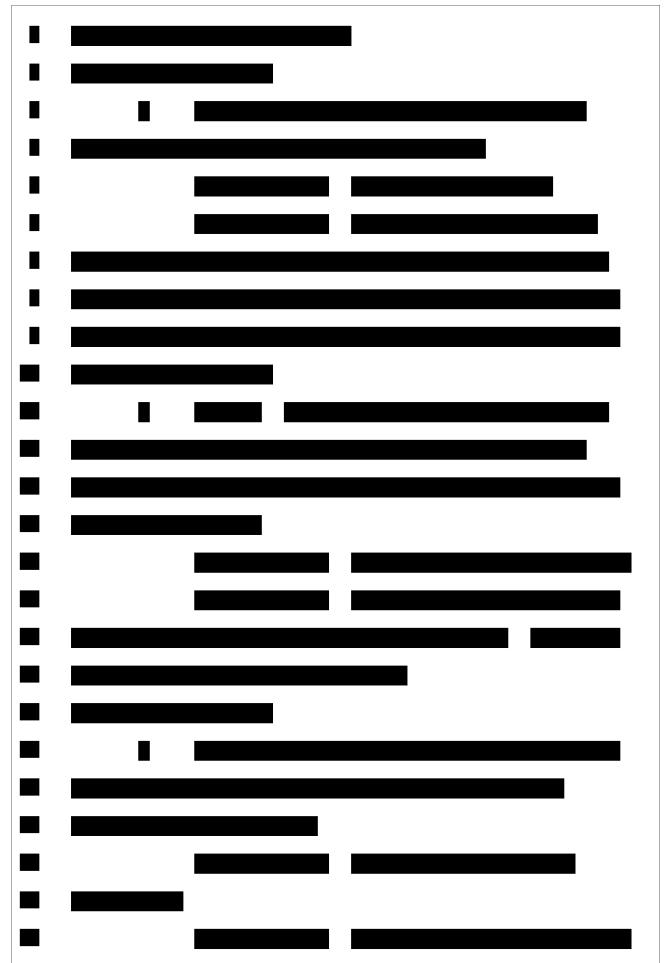


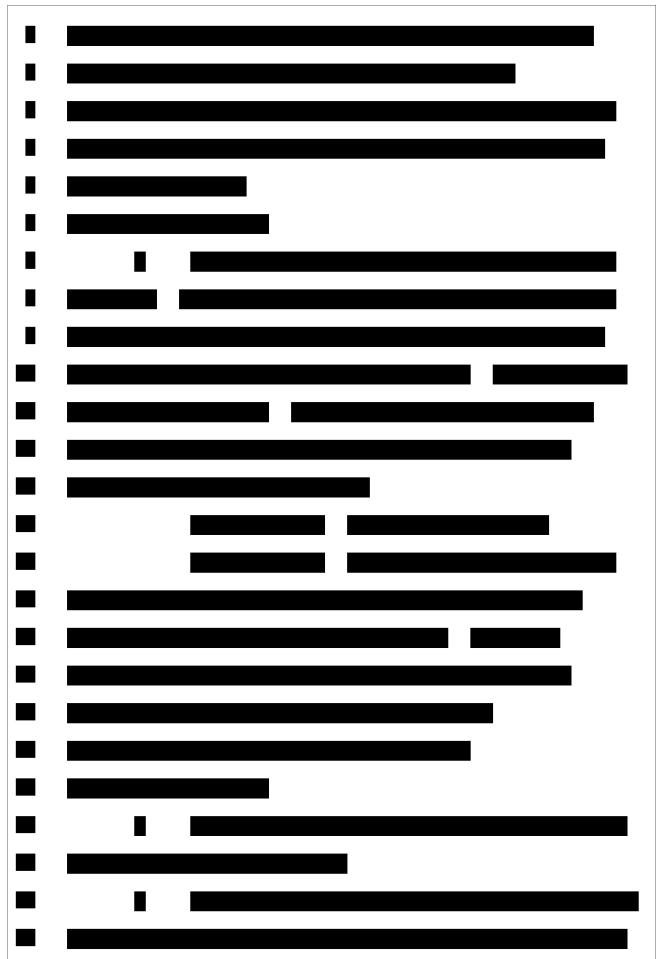


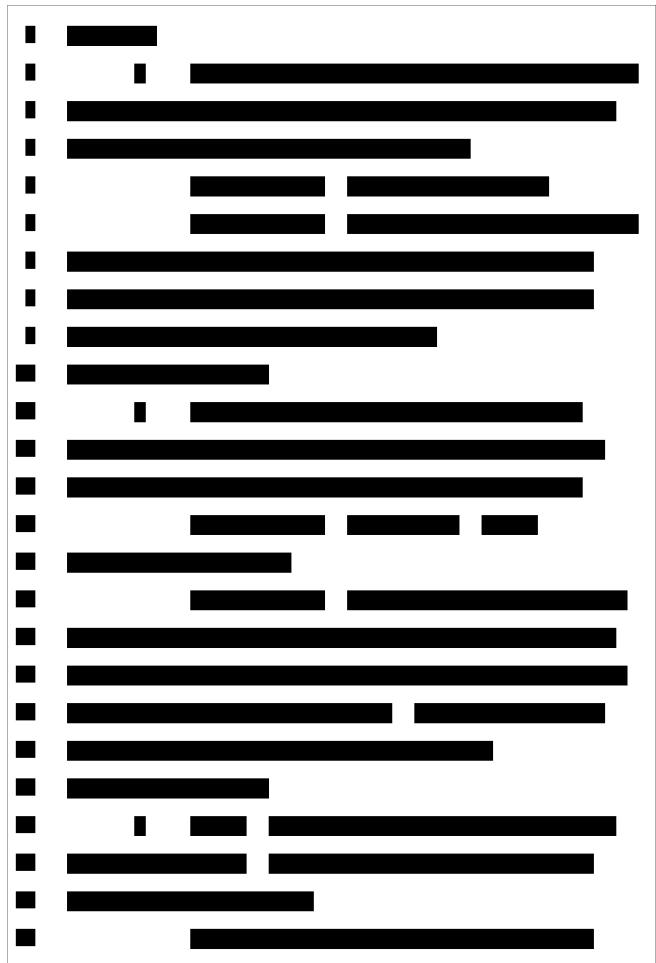


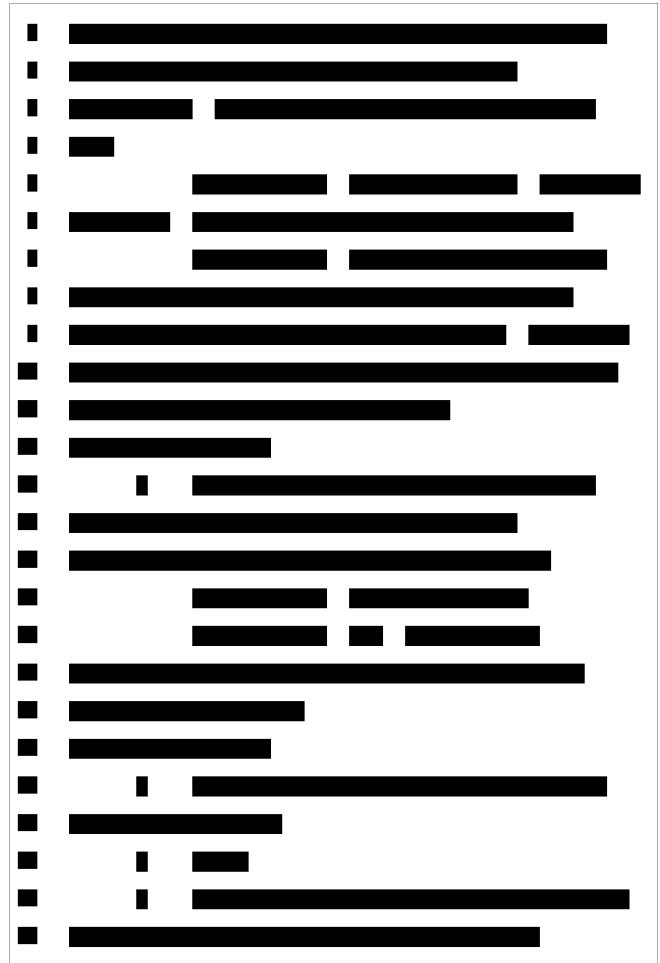


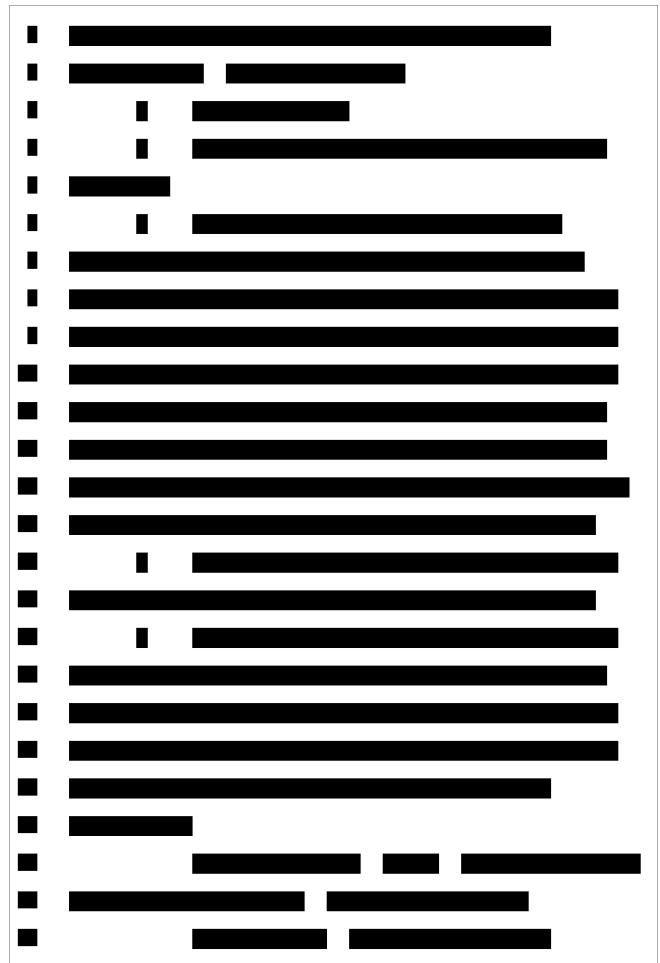


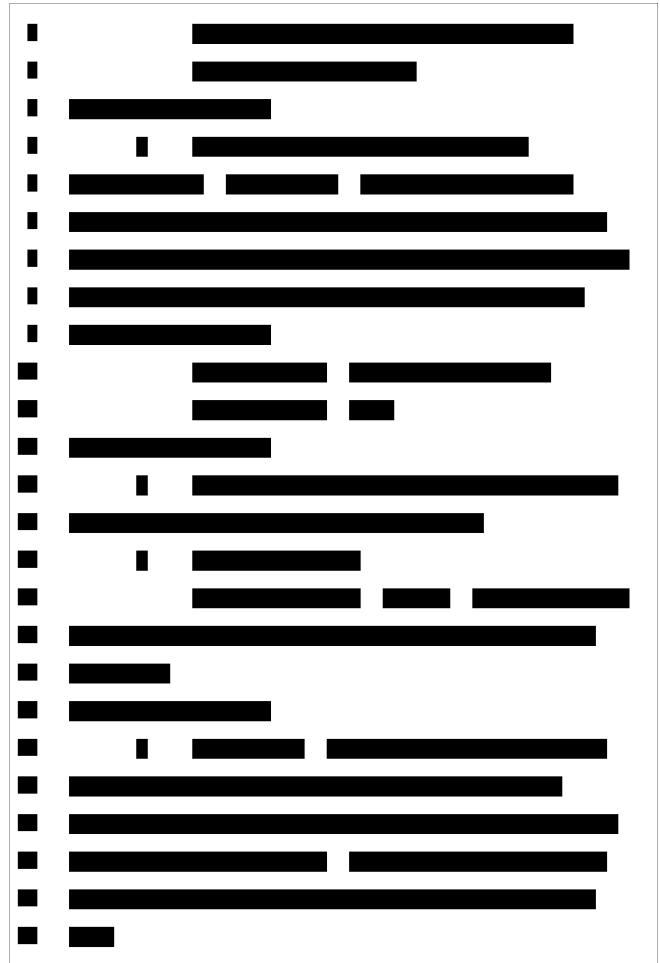


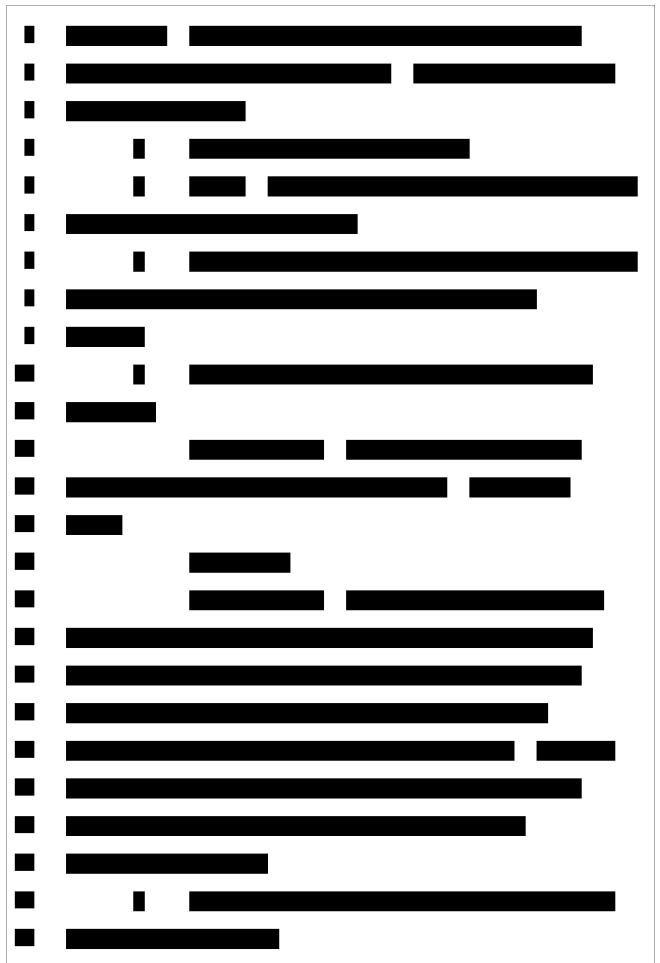


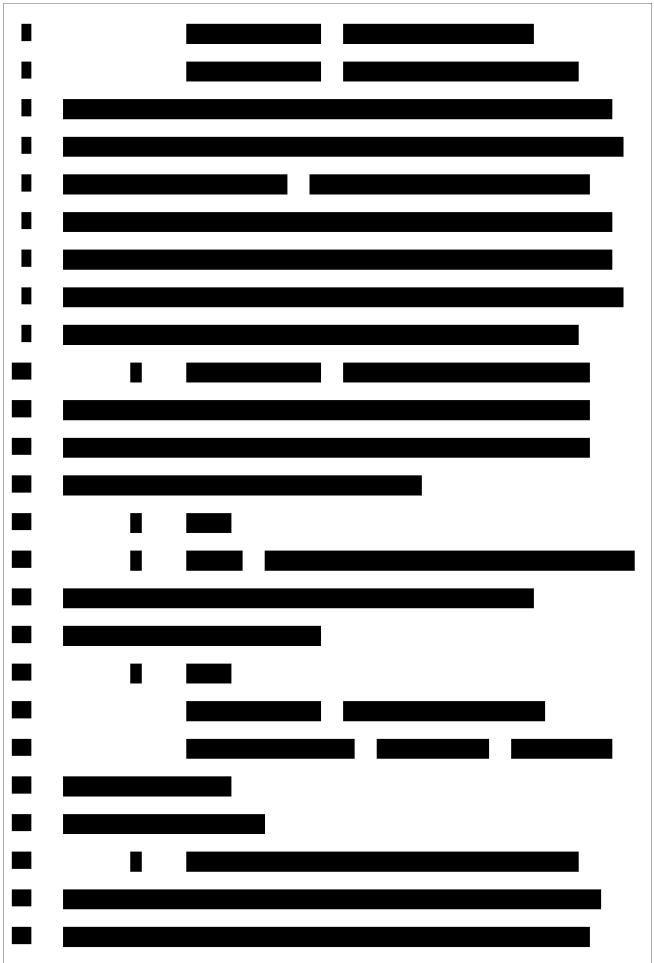


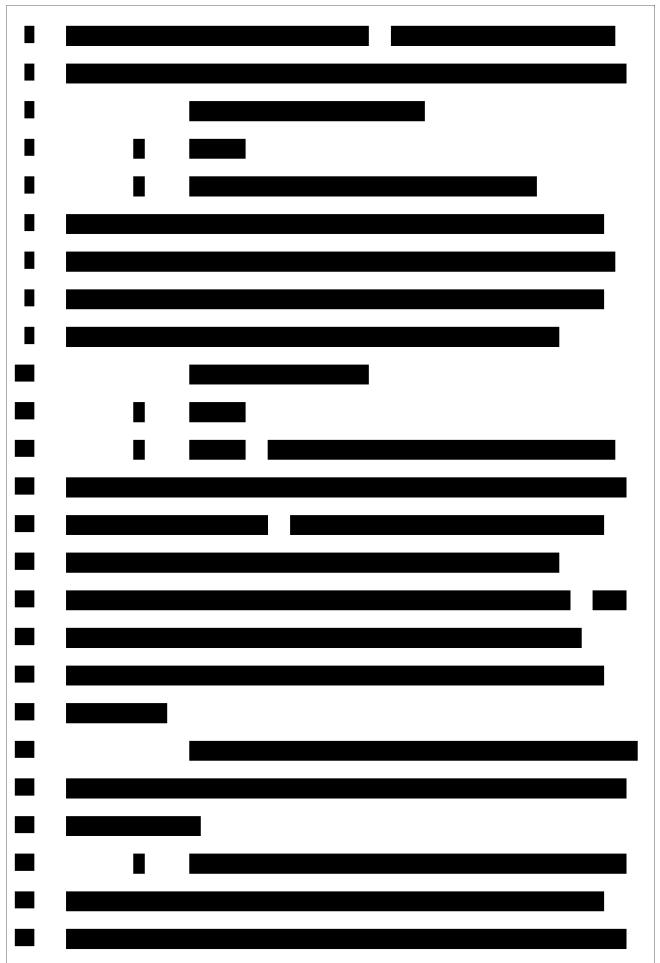


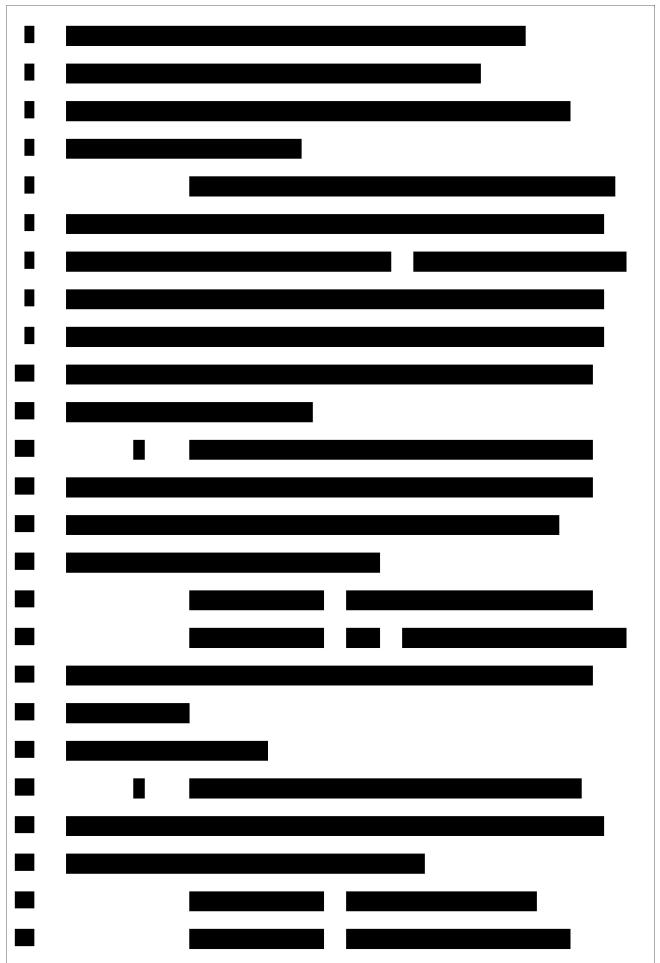


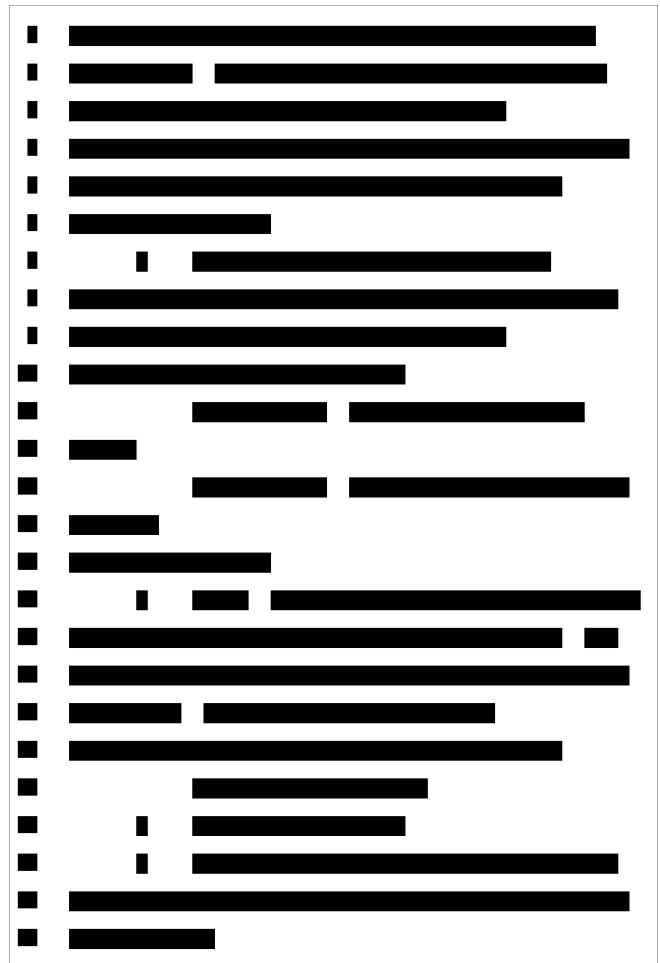


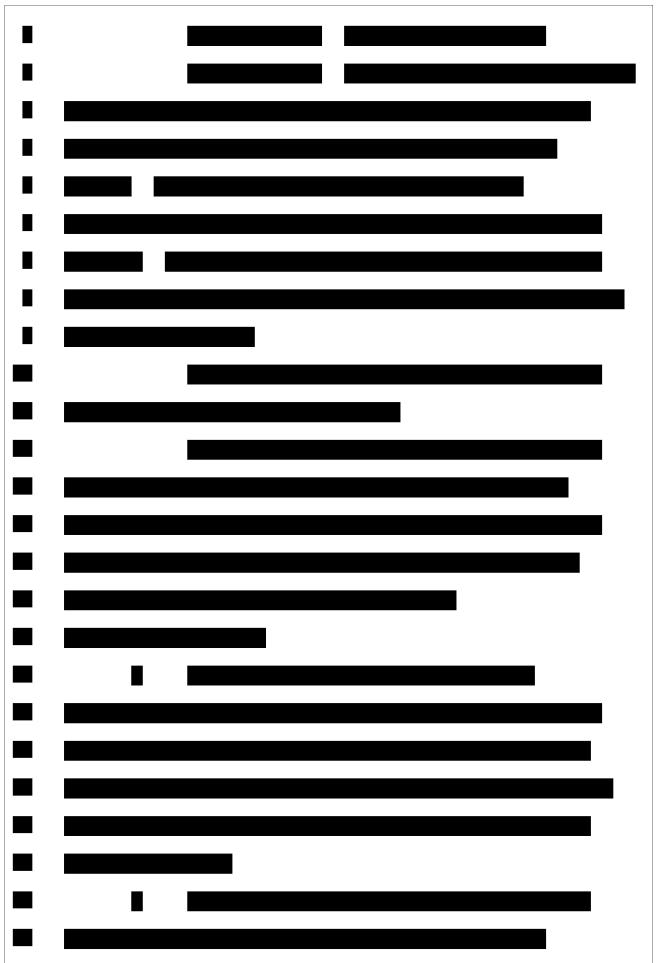


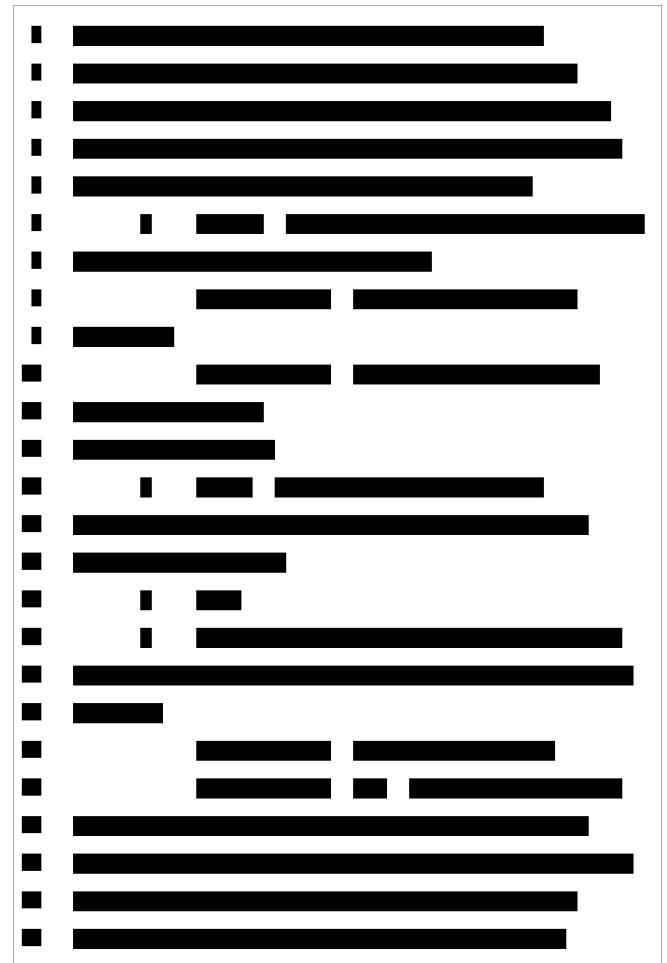


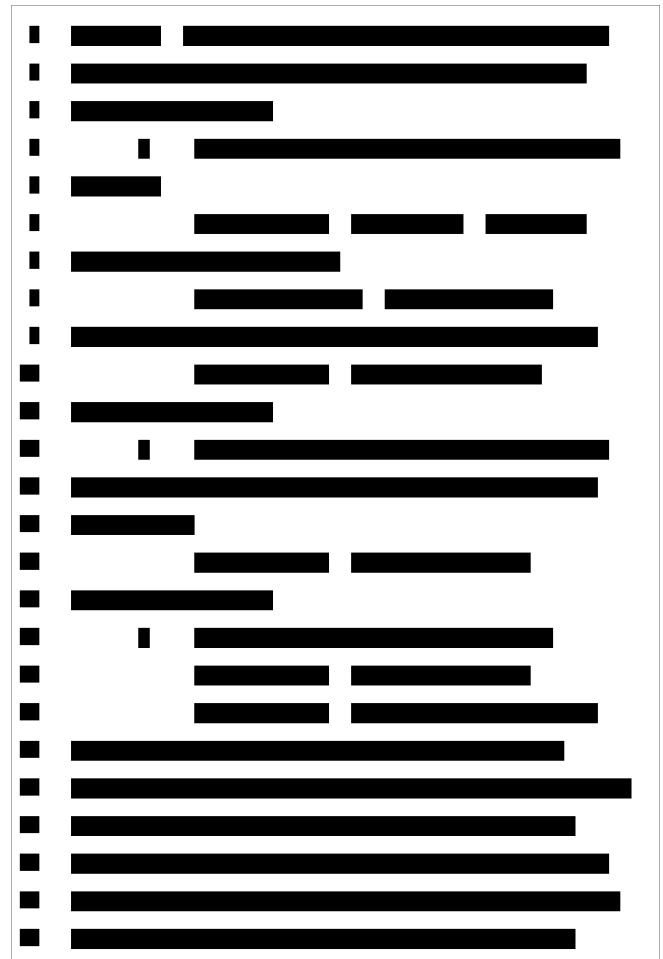


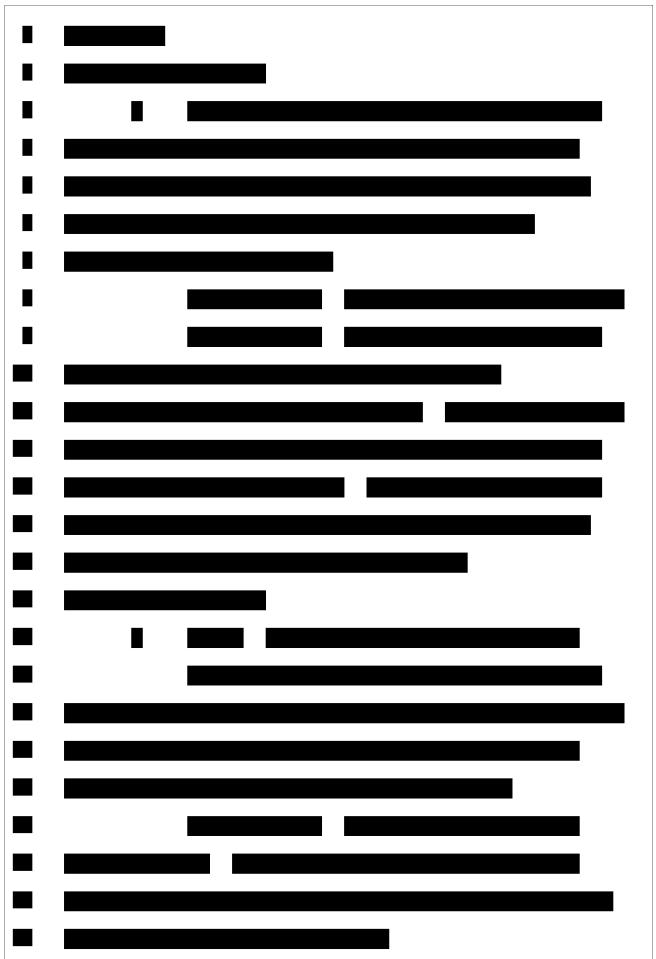


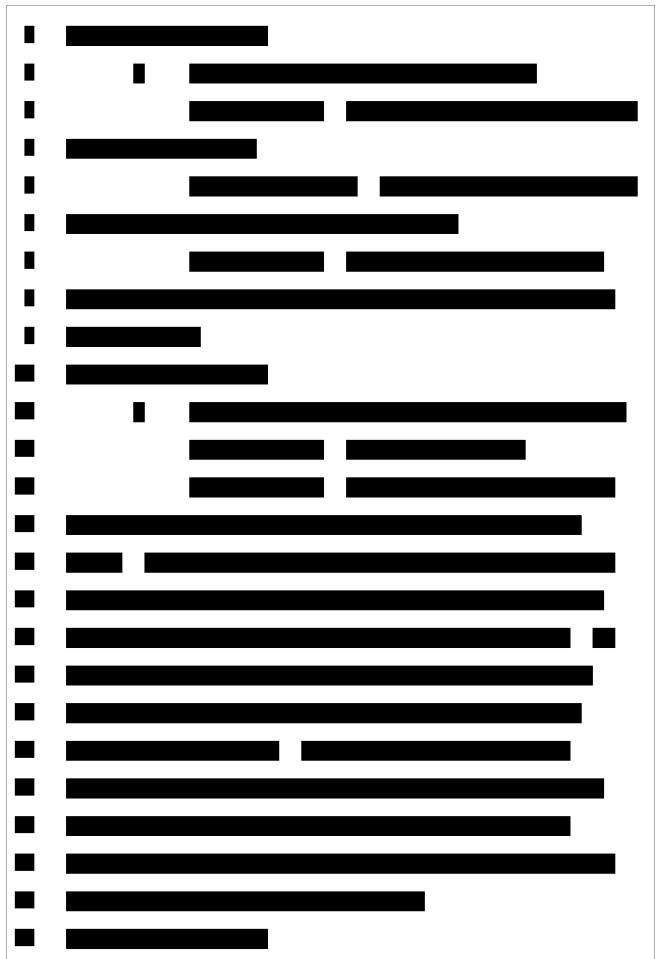


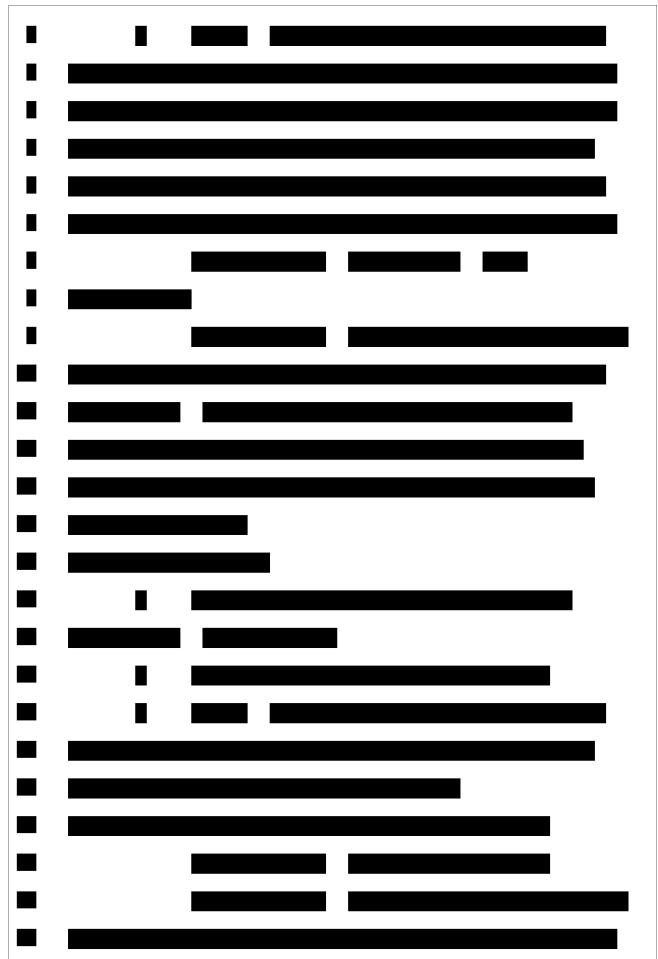




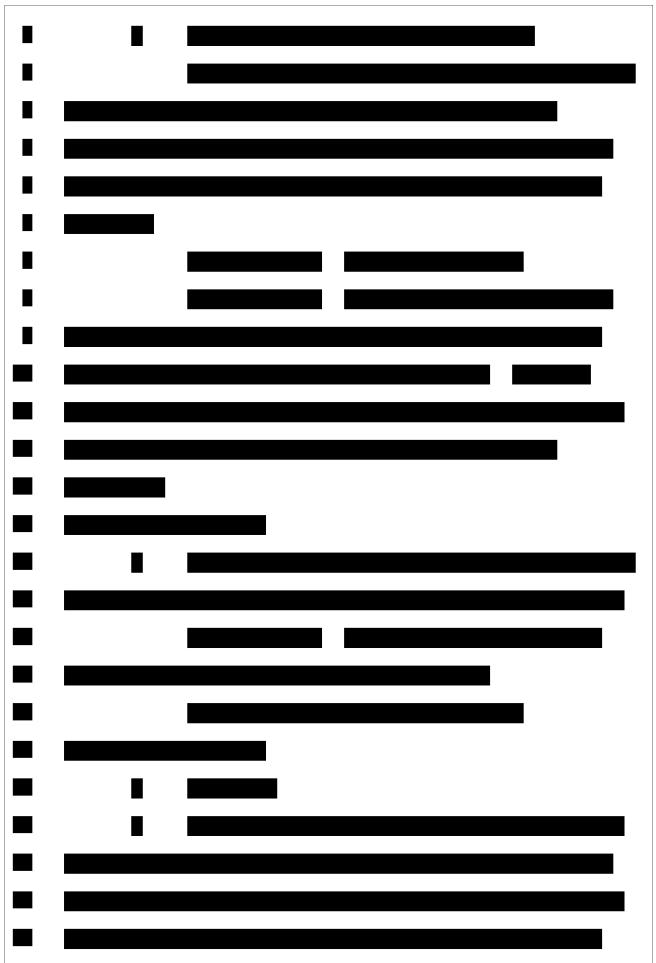


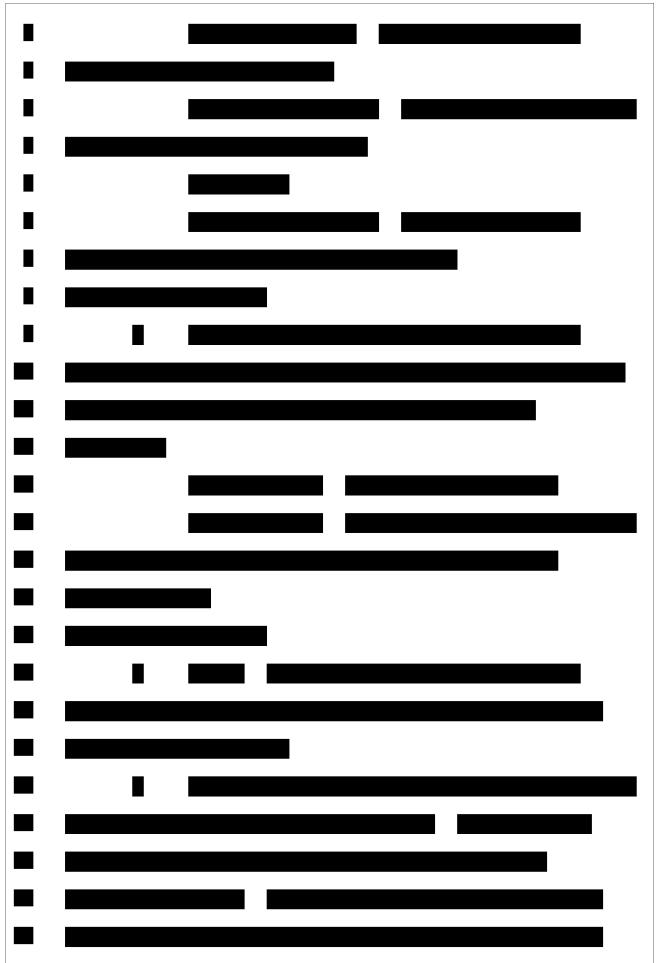


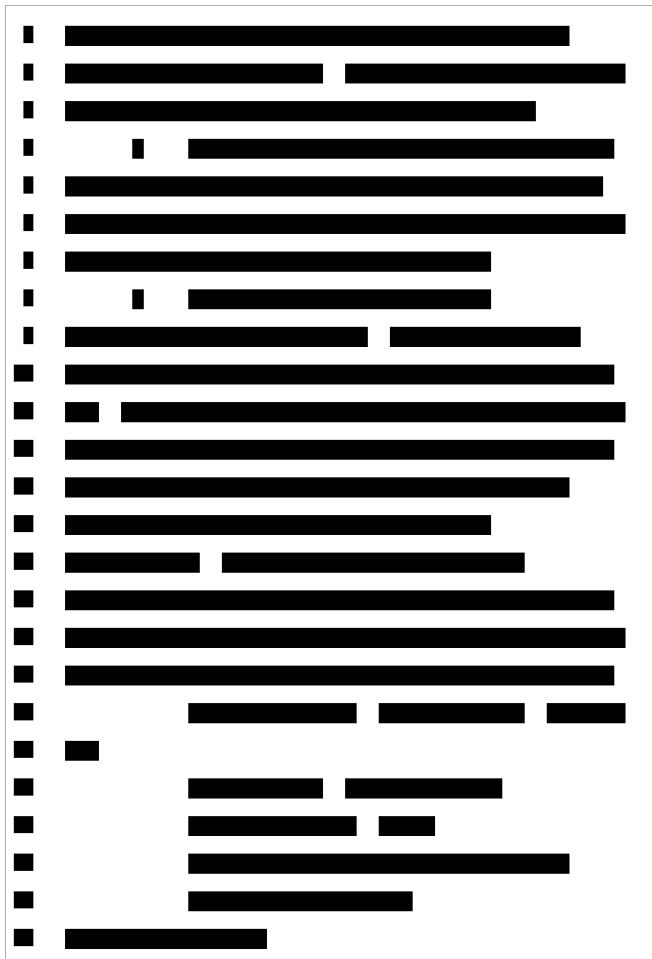


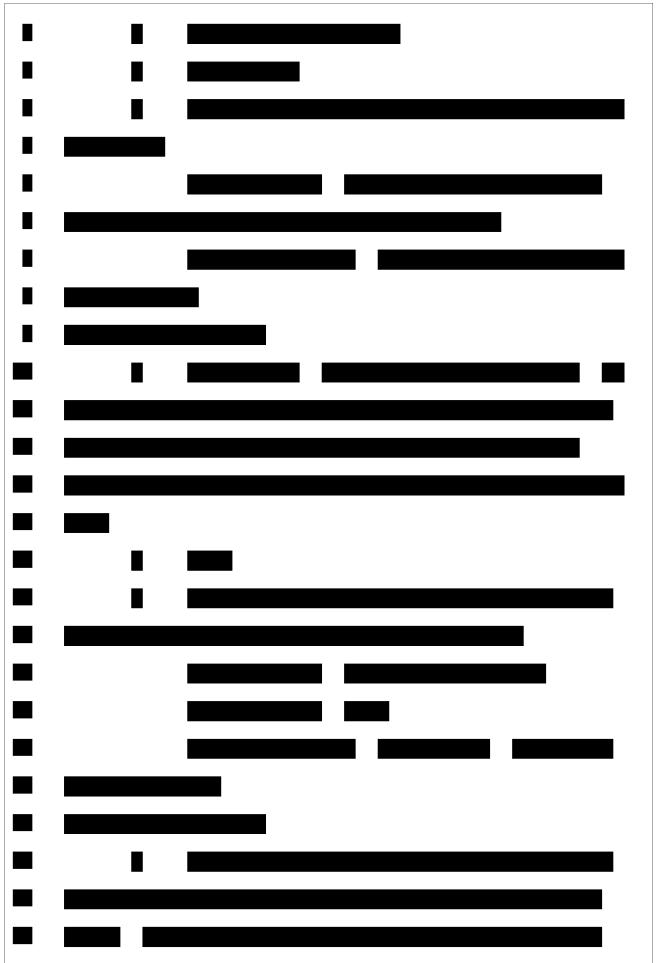


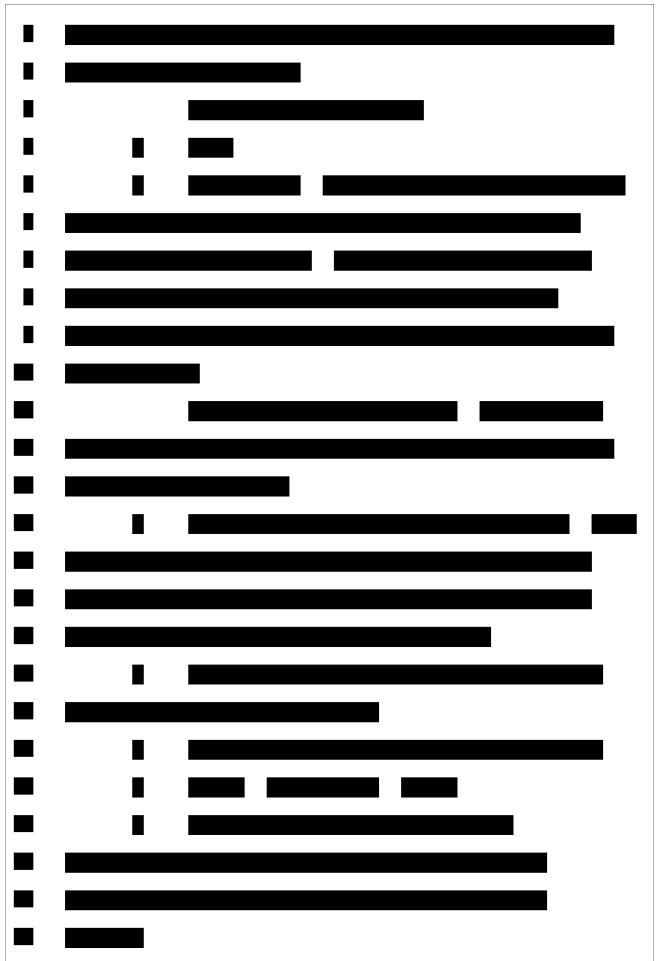
_	

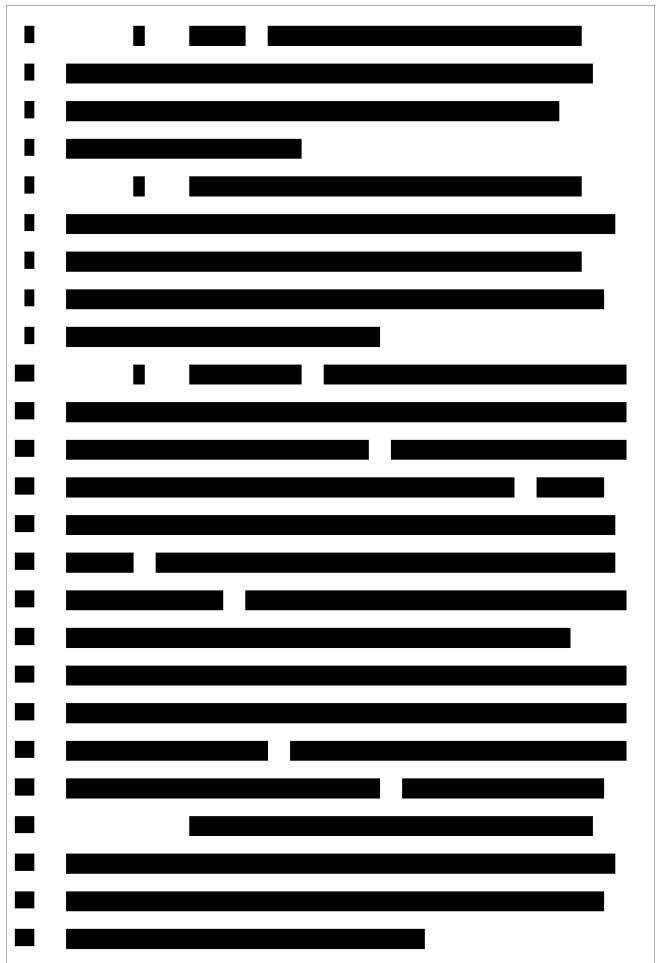












14 BY MR. ESFANDIARY: 15 Are you aware of the recent corrigenda 16 that had been published in the journal which 17 published the expert reports? 18 I -- I am aware that the -- the authors 19 worked with the editors at the -- at the journal 20 to update the -- the disclosures. And they needed to update the 21 22 disclosures because the prior disclosures did not adequately disclose Monsanto's involvement in the 23 24 drafting of the publications, correct? 25 MR. PARISER: Objection to form and

- - 1 foundation.
  - THE WITNESS: No, my -- my understanding
  - 3 is that while Monsanto's sponsorship of the panel
  - 4 was disclosed from the start, and while the views
  - 5 expressed -- the conclusions and the views
  - 6 expressed in the papers are those of the panel
  - 7 members alone, and that has not changed, there was
  - 8 some review of drafts by Monsanto personnel. And
  - 9 that was appropriate to -- it was appropriate to
- 10 update the disclosures to reflect that.
- 11 BY MR. ESFANDIARY:
- 12 Q How many years after the papers were
- 13 published did that corrigenda occur?
- MR. PARISER: Objection, lack of
- 15 foundation.
- THE WITNESS: I can't recall when --
- when the papers were first published.
- 18 BY MR. ESFANDIARY:
- 19 Q Well, I'll represent to you that the
- 20 papers were first published in 2016, and the
- corrigenda came out in 2018.
- 22 A That sounds right to me.
- Q Do you know what prompted the
- 24 corrigenda?
- 25 A I believe it was some of the documents

- 1 that were disclosed in this -- this litigation.
- 2 And after those documents were -- were disclosed,
- 3 there were conversations between the authors and
- 4 the editors, and the decision was made to update
- 5 the disclosures.
- 6 Q So it had to take the public release of
- 7 internal Monsanto documents for Monsanto to get
- 8 together with the authors and put together a
- 9 corrigenda to acknowledge that Monsanto did have a
- 10 larger role than initially represented in the
- disclosure of interest, correct, sir?
- MR. PARISER: Objection to form and
- 13 foundation.
- 14 THE WITNESS: No, I -- my understanding
- was that the contributions made by Monsanto
- 16 individuals were non-substantive in their scope.
- 17 It was appropriate to update the disclosures. And
- 18 so once those documents were available, again, the
- 19 authors worked with the editors to update -- to
- 20 update the disclosures.
- 21 BY MR. ESFANDIARY:
- Q Why didn't Monsanto initially ensure
- that the disclosures were accurate? Why did it
- wait two years to do so?
- MR. PARISER: Objection to form, and

- - 1 lack of foundation.
  - THE WITNESS: I -- I can't speak to
  - 3 that. I was not involved in discussions with --
  - 4 with my technical colleagues, or certainly with
  - 5 the authors themselves about the disclosures.
  - 6 BY MR. ESFANDIARY:
  - 7 Q So you agree that the original
  - 8 disclosures were inadequate, in light of the
  - 9 corrigenda, correct, sir?
- MR. PARISER: Objection to form and
- 11 foundation.
- 12 THE WITNESS: Again, I -- I was not
- party to those discussions. The decision on
- 14 the -- the updates was made by the editors of the
- journal and the authors of the manuscripts.
- 16 BY MR. ESFANDIARY:
- 17 Q Did you talk to Bill Heydens about the
- 18 publications when he was editing -- editing them?
- 19 A I know I had a few conversations with
- 20 Dr. Heydens throughout the process, but I don't
- recall at what specific point in the process that
- 22 was.
- Q Did you --
- MR. PARISER: Belated objection to form.
- 25 BY MR. ESFANDIARY:

1 Did you see any drafts of the expert Q 2 panel manuscript, sir? 3 Α I don't believe so. 4 MR. ESFANDIARY: Okay. I don't have any 5 more questions for you. 6 MR. PARISER: Pass the -- pass the 7 witness? 8 MR. ESFANDIARY: Yes, I'm passing the 9 witness. 10 MR. PARISER: Let's go off the record 11 briefly, please. 12 THE VIDEOGRAPHER: The time is 6:10 p.m. 13 We're going off the record. 14 (Recess.) 15 THE VIDEOGRAPHER: The time is 6:11 16 p.m., and we're back on the record. 17 MR. PARISER: So, Counsel, just so it's 18 clear, I'm going to be asking the witness these 19 questions in his personal capacity, all of the 20 questions. To the extent I am also asking him 21 questions in his capacity as a 30(b)(6) witness, I 22 will specifically so indicate. 23 EXAMINATION BY COUNSEL FOR DEFENDANTS 24 BY MR. PARISER: 25 Now, Mr. Murphey, can you please tell us Q

- where you grew up?
- 2 A Yes, sir, I grew up in the town of
- Rolla, Missouri. It's in the south central part
- 4 of the state.
- 5 Q Is it a small town?
- 6 A It is. It's a relatively small town.
- 7 15- or 20,000 people. There's a university
- 8 located there.
- 9 Q And can you tell us a little bit about
- 10 your educational background, please?
- 11 A Yes. I attended the public schools in
- 12 Rolla, Missouri, graduated from high school there.
- 13 I then attended Truman State University, in
- 14 Kirksville, Missouri, where I studied
- 15 communication and journalism. And then I did,
- briefly, some graduate work at the University of
- 17 Missouri in Columbia, also in journalism, but I
- 18 did not finish that degree.

- Okay. And after you left school, what
- was your work?
- 21 A After I -- after I left school, I went
- to work in Democratic politics, in Missouri. I
- worked for the Missouri Democratic Party. I was
- involved in some political races there. And I
- ultimately went to work for then Attorney General

- 1 Jay Nixon, a Democrat who was running for governor
- of Missouri at the time. And I ended up working
- 3 for the attorney general, then governor, for --
- 4 for a number of years.
- 5 Q And when did you join Monsanto?
- 6 A January of 2013.
- 7 Q And when did you first start working on
- 8 glyphosate?
- 9 A It was sometime later. It would have
- been late spring, early summer of 2015.
- 11 Q Can you just describe, generally, what
- 12 your public affairs work on glyphosate was? What
- did it consist of?
- 14 A Yes, my team and I largely focused on
- public communications around -- around glyphosate,
- and other products in our herbicide portfolio. We
- were involved in crafting communication pieces,
- 18 engaging with reporters, engaging with
- 19 stakeholders, and helping them understand the
- safety and the benefits of our products.
- 21 Q And why, Mr. Murphey, did you decide to
- work at Monsanto?

- 23 A I came to work at Monsanto because I
- 24 wanted to stay in the -- in the Midwest at the
- time. My family continues to be in the -- in

- 1 Rolla. And I knew -- I knew of Monsanto because
- of my work in state government. They were a
- 3 company that worked on topics that I thought were
- 4 interesting and important. I also knew they were
- 5 highly regarded as a -- as an active member of the
- 6 civic community, and I thought it would be a -- a
- 7 very rewarding place to work.
- 8 Q Now, am I correct, Mr. Murphey, that
- 9 you're not a scientist?
- 10 A That's correct.
- 11 Q But in connection with your -- your work
- on glyphosate, have you interacted with
- 13 scientists?
- 14 A Yes, I have frequently.
- 15 Q And do you rely on those scientists to
- 16 provide information to you about the safety and
- benefits of the products, so you can communicate
- 18 about it?
- 19 A Yes, I do.
- Q And have you formed your own view of the
- safety of Roundup, based on those discussions?
- 22 A I have.
- Q What is that view?
- A Based on the conversations that I've had
- with a number of Monsanto scientists about the

- data, I am very confident that glyphosate, and
- 2 glyphosate-based products, are safe for use. I'm
- 3 also confident that they are not carcinogenic.
- 4 But I also believe very much that these are
- 5 products that are extremely valuable for our
- 6 farmer customers and other users around the
- 7 world.
- 8 Q Why do you believe that Roundup is so
- 9 valuable?
- 10 A To give you just one example, I'd point
- 11 back to some of the conversation we were having
- earlier -- earlier today, around "no till," or
- conservation tillage farming, a practice when
- 14 farmers are able to plant a crop, harvest it,
- apply glyphosate over the field, once they have --
- once they have harvested, to clean that field.
- They can do the same in the spring to
- 18 remove a cover crop. And they are able to do that
- 19 without turning the soil, without driving a
- tractor or plow over that field multiple times.
- 21 That reduces diesel emissions. That helps farmers
- improve their soil health. It helps them
- 23 sequester carbon in the soil. And it's just --
- 24 it's very beneficial for sustainable agriculture.
- Q And do you think it's important for

- 1 Monsanto to share with the media and the public
- its view of the safety and benefits of Roundup?
- 3 A Yes, I do.
- 4 Q Why is that?
- 5 A I think, unfortunately, Monsanto, for
- 6 some people, was a name that was laden with a lot
- 7 of emotion. And in media stories about our
- 8 company and our products, that that emotion often
- 9 led to inaccurate information being contained in
- 10 the stories, misinformation that we needed to
- 11 correct. And so I think one of my team's
- important responsibilities was to reach out to
- 13 reporters to try to build relationships, so that
- we could provide accurate information in those
- stories going forward.
- 16 Q The next questions that I'm going to ask
- you are both in your personal capacity and in your
- 18 capacity as a 30(b)(6) witness, for the record.
- MR. ESFANDIARY: I'm just going to
- object. So you're going to indicate which portion
- of your line of testimony is going to be in his
- individual capacity, and in his capacity as a
- representative of Monsanto, because I have no way
- of knowing.
- MR. PARISER: That's what I've just

- - 1 said.
  - MR. ESFANDIARY: So you're going to --
  - MR. PARISER: Everything that just
  - 4 preceded this was in his individual capacity. The
  - 5 following questions are going to be in both
  - 6 capacities. And then I will indicate when he's
  - 7 shifting back to his individual capacity.
  - 8 MR. ESFANDIARY: But if the following
  - 9 questions are going to be in both capacities, how
- 10 am I supposed to know which question is relating
- 11 to what capacity?
- MR. PARISER: They're both -- both
- 13 capacities.
- MR. ESFANDIARY: Okay. So each question
- is relating to both his individual knowledge
- 16 and --
- MR. PARISER: Correct.
- MR. ESFANDIARY: Okay, gotcha.
- 19 BY MR. PARISER:
- Q Mr. Murphey, in public statements that
- you were involved in making, was it the company's
- 22 position that IARC's decision was wrong?
- 23 A Yes.
- Q And what reasons, among others, have the
- company given to support its position about why

- - 1 IARC's decision was wrong?
- A Again, my understanding, based on
- 3 conversations with our scientists, is that there
- 4 were multiple deficiencies in the -- in the IARC
- opinion, you know, such as the fact that the IARC
- 6 opinion excluded important data, some of the
- 7 animal studies and other information. That it,
- 8 again, looked at incomplete information. And
- 9 also, as we discussed earlier, the largest and
- 10 most robust epidemiology data set from the U.S.
- 11 Agricultural Health Study was not available to the
- 12 panel members.
- MR. ESFANDIARY: I'm just going to
- insert a belated objection, with respect to this
- questioning being both in his individual and
- 16 representative capacity. Are you willing to
- 17 stipulate on the record that whatever answers he
- is giving here in response to your questions also
- 19 binds the company?
- MR. PARISER: This is -- these questions
- 21 are asking him for opinions that are in his
- capacity as a 30(b)(6) witness. So if he answers
- within the scope of the questions, that would be
- 24 true.
- MR. ESFANDIARY: So -- but at the same

time, you're able to ask him questions that you

- 2 could argue are not binding on the company,
- 3 because you have designated this portion as both
- 4 individual capacity and 30(b)(6) capacity?
- 5 MR. PARISER: No, all -- all I'm saying
- 6 is, I don't want you to be able to say, for
- 7 example, I'm not going to play the 30(b)(6)
- 8 deposition after all. And then suddenly these
- 9 questions don't count anymore. That's all I'm
- 10 getting at.
- 11 MR. ESFANDIARY: All right. Well,
- 12 just going to have a running objection to it, but
- 13 go ahead.
- 14 MR. PARISER: Okay.
- 15 BY MR. PARISER:
- 16 Were additional reasons the company has 0
- 17 given to support its position to the media about
- 18 why IARC decision's was mistaken was that it
- 19 conflicted with the decision of regulatory bodies
- 20 around the world, including the EPA?
- 21 Yes, that's a point we -- we made Α
- 22 frequently, was that the IARC -- the IARC opinion
- 23 is an outlier from the opinions of the USEPA,
- 24 regulators in Europe and Canada, and elsewhere
- 25 around the world.

- 1 Q And were the statements you just
- discussed that were made to the media about IARC
- 3 consistent with the views expressed to you by
- 4 scientists in the company?
- 5 A Yes.
- 6 Q And in your view, was there anything
- 7 wrong or inappropriate in the company publicizing
- 8 its view about IARC?
- 9 A No, I think we had important --
- 10 important questions to ask, and legitimate
- 11 concerns about the IARC opinion, what an outlier
- 12 it was from agencies around the world. And I
- think it was both important and appropriate that
- we raised those concerns publicly.
- Now, you were asked about something
- 16 called Let Nothing Go. Do you remember that
- 17 questioning?
- 18 A I do.
- Just briefly, what was the Let Nothing
- 20 Go campaign or initiative?
- 21 A So the Let Nothing Go program or effort
- was an initiative in the European Union, in
- certain markets there, where we had a limited
- 24 public affairs team in place. And the Let Nothing
- 25 Go effort was -- was designed to do media

1 monitoring in certain markets in the European

2 Union, to identify stories that were incomplete or

3 contained inaccurate or misleading information

4 about the company, or its products.

5 And then to review those articles, and

6 then to have someone, either from Monsanto or from

7 our public affairs agency, reach out to those

8 reporters, provide a statement or a clarification,

9 or other resources, and to invite those reporters

10 to reach out to the company in the future.

11 0 And was the Let Nothing Go campaign or

12 initiative intended to smear or attack people or

13 groups who had different groups than the company?

14 As I described, the purpose of the Α No.

15 Let Nothing Go effort was to engage with

16 reporters, to provide context. And -- and our

17 hope was that, over time, it would move the

18 balance of coverage in Europe in a better

19 direction. It would help -- help that coverage be

20 more accurate.

21 Okay. The following questions, for the 22 record, are going to be in the witness's individual capacity only. 23 24 Now, Mr. Murphey, you were asked some questions during the deposition about some media 25

- 1 efforts in Europe. Do you remember those
- 2 questions?
- 3 A Yes.
- 4 Q I believe you explained that in Europe,
- 5 there was a -- sort of a two-step process with
- 6 regard to renewal of glyphosate. Can you explain
- 7 that, please?
- 8 A Yes, the process in the European Union
- 9 for the renewal of any pesticide product,
- 10 glyphosate is just one example, has -- has
- 11 multiple phases. There's -- first, the -- the
- 12 scientific work that has to be done by a
- 13 Rapporteur member state. So in the case of
- 14 glyphosate, that was Germany, and the BfR, the
- 15 Germany Federal Institute for Risk Assessment.
- 16 And then that is reviewed by the European Food
- 17 Safety Authority. So that -- that is the
- 18 scientific phase of the evaluation of the product.
- Once that is complete, there's a second
- 20 phase, where representatives of the member states
- of the European Union come together in a standing
- committee, and they vote to actually reauthorize
- the active ingredient.
- Q And to your knowledge, what have the
- regulators, the scientific bodies in Europe, said

- about the safety of glyphosate?
- 2 A My understanding is that the -- whether
- 3 it's the Germany BfR, or the European Food Safety
- 4 Authority, or subsequently, the European Chemicals
- 5 Agency, which also conducted a review, have all
- 6 found that glyphosate is -- is safe for use, and
- 7 not carcinogenic.
- 8 Q And is it fair to say that, in your
- 9 view, that was a decision or decisions that were
- based on the science, as opposed to public affairs
- 11 work?
- 12 A That's correct. My -- my understanding
- is that those agencies are -- they're scientific
- 14 bodies with -- with experts who are capable of --
- and charged with reviewing the robust regulatory
- 16 studies that are submitted to them.
- 17 Q All right. And then there was a
- 18 political process you testified, which followed
- that scientific review; is that right?
- 20 A That's correct.
- 21 Q And is there anything wrong, in your
- view, with Monsanto participating in that public
- 23 political process?
- A No. And, in fact, I think it was
- important that we -- that we did so. There --

- 1 there was a significant amount of media attention
- to the glyphosate renewal -- renewal process.
- 3 There -- there -- again, there were groups that
- 4 were, you know, purposefully trying to influence
- 5 the media, and influence negative stories about
- 6 the product. And so it was important, we thought,
- 7 to reach out, to engage with reporters, and to try
- 8 to ensure that coverage about glyphosate was
- 9 balanced.
- 10 Q Now, there was some questioning during
- the course of the deposition involving documents
- that used a term "FTO," or freedom to operate.
- Do you remember that word coming up?
- 14 A I do.
- 15 Q Are you aware of Monsanto having a
- single definition of the term or word "FTO," or
- 17 freedom to operate?
- 18 A No, I think freedom to operate is a --
- is a term that probably has varied meanings from
- 20 individual to individual, and based on the context
- of a particular discussion.
- Q What does FTO, or freedom to operate,
- mean to you?
- 24 A In my understanding, freedom to operate
- for our company, and we are a company in a -- in a

- 1 regulated industry, freedom to operate, to me,
- 2 means that we can invent and conduct regulatory
- 3 studies, seek regulatory approval for our
- 4 products, ensure that regulators are able to
- 5 assess the safety of those products, and allow
- 6 them to be placed onto the market, and then for us
- 7 to sell those products to our customers, and to
- 8 ensure that those products are used correctly
- 9 throughout their life cycle.
- 10 Q Now, you were asked some questions about
- why Monsanto did not perform a two-year cancer
- 12 study in rats of its formulated product.
- Do you remember those questions?
- 14 A I do.
- 15 Q And would you defer to Monsanto's
- scientists and others to answer that sort of
- 17 question?
- 18 A I would have to, yes.
- 19 Q Are you aware, generally, however, of a
- 20 study called the AHS, or Agricultural Health
- 21 Study?
- 22 A I am.
- Q What, in general, is that study?
- A So my understanding of the U.S.
- 25 Agricultural Health Study is that it is a very

- 1 large-scale epidemiology study that looked into
- the real world use of pesticide products by
- pesticide applicators in the U.S., and looked for
- 4 connections between pesticide use and specific
- 5 health conditions.
- 6 Q And so to your knowledge, was that a
- 7 study of exposure to the formulated product and
- 8 people in the real world?
- 9 A Yes, that would be a study that looked
- 10 at the real world use of -- of formulated
- 11 products.
- 12 Q Now, do you recall some testimony
- earlier about Monsanto engaging with third parties
- 14 as part of its media efforts?
- 15 A Yes.
- 16 Q Can you -- can you just explain what
- that means in the public affairs world, engaging
- with third parties?
- 19 A So a third party or a stakeholder, in
- general, is someone who, you know, has a -- is --
- is relevant to the company. So that could be a
- customer group, it could be, in our case, a grower
- group, or a commodity organization. You know,
- 24 people who have -- have an interest in the company
- and its products, and the value that those

- 1 products provide to those -- to those individuals.
- 2 And so it's fairly common practice for
- 3 us to engage with those groups, to provide
- 4 information to them, and in certain circumstances,
- 5 to partner with them and work together, when there
- 6 are matters of shared interest.
- 7 Q And do you feel that there's anything
- 8 wrong or inappropriate about doing that?
- 9 A No, I don't.
- 10 Q Now, you were asked some questions about
- 11 a Reuters article written by a reporter named Kate
- 12 Kelland. Do you recall those questions?
- 13 A I do.
- 14 Q And the article in question involved the
- 15 AHS study we were just talking about; is that
- 16 right?
- 17 A It did.

- 18 Q Okay. And can you just, in general,
- describe what Ms. Kelland's story was about?
- 20 A Yes. So the story by -- by Ms. Kelland
- looked into the fact that the Chair of the IARC
- working group, Dr. Blair, who was also involved
- with the U.S. Agricultural Health Study, it looked
- into the fact that he had in his possession,
- 25 several years prior to the IARC meeting on

- - 1 glyphosate, updated manuscripts of the
  - 2 Agricultural Health Study that looked into
  - 3 glyphosate, and found no connection between
  - 4 glyphosate and cancer.
- 5 Ms. Kelland had those draft manuscripts
- 6 reviewed by other scientists to get their
- 7 assessment of the -- of the conclusions. She
- 8 reviewed a number of other documents as well. She
- 9 reached out to Dr. Blair, and others, to get their
- 10 input.
- And, ultimately, her story explained
- that those manuscripts were in Dr. Blair's
- possession, that they were not shared with the
- 14 IARC working group. And that based on -- based on
- $^{15}$  the testimony of Dr. Blair, that the -- the
- outcome or the conclusion of those manuscripts
- would have affected the outcome of the IARC
- working group opinion.

- 19 Q And why did the -- why did Monsanto, to
- your knowledge, provide information to Ms. Kelland
- in connection with this story?
- 22 A We thought this was important --
- important information that needed to be published.
- 24 The Agricultural Health Study is a taxpayer --
- U.S. taxpayer-funded study. It's the largest

- 1 epidemiology study looking at glyphosate and
- 2 cancer, and glyphosate-based formulations and
- 3 cancer.
- And we -- we had serious concerns about
- 5 the fact that these manuscripts had been in
- 6 preparation for years, but had not yet been
- 7 published. And we were hopeful that by -- that
- 8 through an article that was vetted and prepared by
- 9 a reporter such as Ms. Kelland, those types of
- questions could be asked publicly.
- 11 Q And is providing information to
- 12 reporters, like you did with Ms. Kelland, common
- 13 practice in journalism?
- 14 A It is. Reporters, you know, are
- 15 routinely in touch with sources and companies, and
- universities, and other organizations, both to ask
- questions, but they are also, you know, interested
- in -- in potential stories. When there is a
- 19 matter that is of -- of importance and within
- their area of interest, it would be very routine
- for someone who works in public affairs to share
- some information with a reporter.
- Of course, it would ultimately be the
- decision of that reporter, and his or her editors,
- whether or not to pursue the story.

- 1 Q And was Ms. Kelland, if she wanted to do
- so, able to speak to others, besides Monsanto, to
- 3 get their view of the story?
- 4 A Of course. And again, as I've
- 5 mentioned, I know she -- she talked to several
- 6 other -- other scientists, and reached out to
- 7 others for the story as well.
- 8 Q And did the company have any ability to
- 9 control what Ms. Kelland wrote in her story?
- 10 A No. Once -- once I provided the initial
- information to -- to Ms. Kelland, she was free to
- do with that information what she saw fit. And
- the decision to investigate a story and ultimately
- 14 -- ultimately publish it was her decision, and the
- decision of her editors at Reuters.
- Q And the AHS study was, in fact, later
- published; is that correct?
- 18 A It was. It was later published in the
- 19 Journal of the National Cancer Institute.
- Q Did the company have any control over
- the content of that publication?
- 22 A No.
- MR. PARISER: I have no further
- 24 questions at this time.
- MR. ESFANDIARY: Very quickly.

- - 1 THE VIDEOGRAPHER: Just stay on the
  - 2 record?
  - MR. ESFANDIARY: Yeah, absolutely.
  - 4 Absolutely.
  - 5 THE VIDEOGRAPHER: You can switch sides,
  - 6 but I'm going to let the cameras roll, is what I'm
  - 7 saying.
  - 8 MR. ESFANDIARY: Oh, okay.
  - 9 THE VIDEOGRAPHER: Since it takes so
- 10 long to start them and stop them.
- 11 FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFFS
- 12 BY MR. ESFANDIARY:
- 13 Q Mr. Murphey, I appreciate your
- 14 indulgence at this late hour.
- Just a couple of follow-up questions on
- what Monsanto's counsel just asked you.
- When you were in the office of Governor
- Nixon, you developed relationships with obviously
- 19 Governor Nixon himself, correct?
- 20 A I did.
- 21 Q Okay. And you developed relationships
- with other political decision-makers in the State
- of Missouri, correct?
- 24 A I did.
- Q And Monsanto is a resident of the State

- - of Missouri, correct, sir?
  - 2 A Yes, Monsanto's headquarters was in
  - 3 Missouri.
- 4 Q Have you found yourself drawing upon the
- 5 political influence that you built during your
- 6 time with Governor Nixon in your tenure at
- 7 Monsanto?
- 8 MR. PARISER: Objection to -- objection
- 9 to form.
- THE WITNESS: No. As I've explained,
- 11 my -- my work at Monsanto has been focused on
- 12 communications and media relations. Interactions
- with government officials is not part of my -- not
- 14 part of my responsibility.
- 15 BY MR. ESFANDIARY:
- 16 Q And counsel asked you earlier in your
- 17 representative capacity about the perception of
- 18 Monsanto by the public. And you responded that
- there's a great deal of emotion, historical
- 20 emotion about Monsanto as an entity. Do you
- 21 remember that?
- 22 A Yes.
- Q What do you -- what is Monsanto's
- 24 perception of where this supposed emotion of the
- 25 public comes from?

- 1 MR. PARISER: Objection to form and
- 2 scope.
- THE WITNESS: My -- my understanding,
- 4 you know, is that that -- that perception comes
- from a real misunderstanding among many people
- 6 in -- in the public or in society today about
- 7 agriculture. And people, you know, are not -- are
- 8 not familiar with some of the tools that farmers
- 9 need to use to produce -- to produce food, and to
- do so in a sustainable way.
- People have questions about their food.
- 12 It's an emotional subject for all of us. We want
- to know that the food that we're consuming or
- providing to our family and friends is -- is safe.
- 15 But folks have not had, again, direct access to
- 16 information about -- about agriculture, and how it
- works.
- 18 And so over -- over time, I think
- 19 Monsanto could have done more and could have done
- it earlier, to engage in that public conversation,
- 21 and to allay some of those -- those concerns and
- 22 that emotion. And I think if they -- if the
- company had done so, its reputation would probably
- have been very different.
- 25 BY MR. ESFANDIARY:

- 1 Q Now, you testified about your general
- 2 understanding, in your individual capacity, about
- 3 the AHS and its conclusions, correct, sir?
- 4 A Yes.
- Do you know what DeRoos 2003 is?
- 6 A I believe that was an earlier version of
- 7 the Ag Health Study.
- 8 Q Okay. And what did DeRoos 2003
- 9 conclude?
- MR. PARISER: Objection, lack of
- 11 foundation.
- 12 THE WITNESS: Offhand, I don't recall.
- 13 BY MR. ESFANDIARY:
- Q Well, did -- are you familiar with
- 15 Eriksson 2008?
- 16 A I believe that is another epidemiology
- 17 study. I'm not familiar with its conclusions.
- 18 Q Are you aware of McDuffie 2002?
- 19 A Again, I believe -- believe it's another
- 20 epidemiology study.
- Q Are you aware of Bolognesi 1997?
- 22 A No.
- 23 Q Sir, I'll represent to you that all of
- those studies I read out to you have all found an
- association between NHL and exposure to Roundup.

- 1 Is it fair to say that the only studies that seem
- to have any notion about such a conclusion is the
- one that Monsanto likes to use for the proposition
- 4 that glyphosate does not cancer, the AHS?
- 5 MR. PARISER: Objection to form,
- 6 misstates evidence.
- 7 THE WITNESS: No, my -- my understanding
- 8 is that the Agricultural Health -- the 2017
- 9 publication of the Agricultural Health Study is
- the largest and most significant epidemiology
- study that's been published on the subject of
- 12 glyphosate. But on the -- the other studies that
- 13 you've referenced, I just -- I don't have
- 14 familiarity into their conclusions.
- 15 BY MR. ESFANDIARY:
- 16 Q Please explain to the jury your
- understanding of what the size of an
- 18 epidemiological study, how that impacts the
- 19 quality of the epidemiological study?
- MR. PARISER: Objection to form.
- THE WITNESS: In a very general sense,
- my understanding is that an epidemiology study
- with a larger sample size is more statistically
- powerful, but I'm certainly -- I'm not an
- epidemiologist.

- - 1 BY MR. ESFANDIARY:
  - 2 Q You don't know the size of the DeRoos
  - 3 2003, correct, sir?
  - 4 A Offhand, I don't recall.
- Okay. Are you aware that IARC reviewed
- 6 the AHS results from DeRoos 2005?
- 7 A Yes, I believe I did know that.
- 8 Q Are you aware that the results of
- 9 Alavania 2013, the unpublished draft that later
- 10 became the 2017 NCI publication, the results are
- 11 substantively identical to DeRoos 2005 that was
- 12 reviewed by IARC?
- MR. PARISER: Objection to form and
- 14 foundation.
- THE WITNESS: I -- I can't speak to that
- 16 either way.
- 17 BY MR. ESFANDIARY:
- 18 Q So when you said that IARC was not in
- 19 possession of the updated AHS results, you don't
- 20 know, in fact, whether IARC was already privy to
- 21 identical results from the earlier AHS
- 22 publication, correct, sir?
- MR. PARISER: Objection to form.
- THE WITNESS: No. Well, my
- understanding, and this is -- this is based off of

- 1 my reading of Dr. Blair's deposition, was that his
- testimony was, if the updated data had been
- available, it would have changed the assessment by
- 4 the epidemiology working group.
- 5 BY MR. ESFANDIARY:
- 6 Q You testified earlier to -- an earlier
- 7 line of questioning by myself, that IARC should
- 8 have postponed the review of glyphosate until the
- 9 NCI 2017 was published. Do you remember that,
- 10 sir?
- 11 A I -- that was a question that we raised,
- is why -- why it wasn't delayed.
- 13 Q Do you think that the EPA should have
- 14 also waited until the publication of the NCI
- before issuing its glyphosate issue paper?
- MR. PARISER: Object. This is outside
- 17 the scope of the direct examination.
- 18 THE WITNESS: I believe that when EPA --
- 19 I'd have to go back and check the timing of
- whether the updated EPA issue paper included that
- or not.
- 22 BY MR. ESFANDIARY:
- Q Mr. Murphey, well, you testified
- about -- you testified about this to some extent
- today. You and I both can agree that the

- 1 glyphosate -- let's actually take a step back.
- The CARC report, the 2015 Cancer
- 3 Assessment Review Committee, do you think that
- 4 that should have been postponed until the updated
- 5 results of the AHS had been published?
- 6 MR. PARISER: Objection to form.
- 7 THE WITNESS: At the time that the CARC
- 8 report met -- or the CARC committee met in 2015,
- 9 the data about the updated glyphosate manuscripts
- was not available.
- 11 BY MR. ESFANDIARY:
- 12 Q Exactly. And IARC also met around the
- 13 same time frame as the CARC committee, correct,
- 14 sir?
- 15 A Yes, but the key difference being that
- someone who had personal knowledge of the updated
- 17 Ag Health Study manuscripts was a participant --
- 18 was indeed the Chair of the IARC working group.
- 19 Q Mr. Murphey, you're aware that the
- government, of which the EPA is a part, has full
- responsibility for the funding of the 2017 NCI
- 22 study, right?
- 23 A I am aware that it is funded by the
- 24 federal government.
- MR. ESFANDIARY: Okay. Thank you. No

```
1
    more questions.
                MR. PARISER: No further questions.
 2
 3
    We're concluded.
 4
                THE VIDEOGRAPHER: The time is 6:45
 5
    p.m., January 22nd, 2019. Going off the record,
 6
    completing the videotaped deposition.
 7
                MR. PARISER: And just for the record,
8
    the witness will read and sign. Make sure that
    the transcript, in its entirety, is designated
9
    confidential, pursuant to the protective orders in
10
11
    this case.
12
                MR. ESFANDIARY: So stipulated.
13
                              Thank you.
                MR. PARISER:
14
                (Whereupon, the deposition of
15
                SAMUEL MURPHEY was concluded at
16
                6:46 p.m.)
17
18
19
20
21
22
23
24
25
```

```
1
         CERTIFICATE OF CERTIFIED SHORTHAND REPORTER
 2
          The undersigned Certified Shorthand Reporter
 3
    does hereby certify:
 4
          That the foregoing proceeding was taken before
 5
    me at the time and place therein set forth, at
 6
    which time the witness was duly sworn; That the
 7
    testimony of the witness and all objections made
 8
    at the time of the examination were recorded
 9
    stenographically by me and were thereafter
10
    transcribed, said transcript being a true and
11
    correct copy of my shorthand notes thereof; That
12
    the dismantling of the original transcript will
13
    void the reporter's certificate.
14
          In witness thereof, I have subscribed my name
15
    this date: January 28, 2019.
16
17
18
                       LESLIE A. TODD, CSR, RPR
19
                       Certificate No. 5129
20
21
     (The foregoing certification of
22
    this transcript does not apply to any
23
    reproduction of the same by any means,
24
    unless under the direct control and/or
25
    supervision of the certifying reporter.)
```

1	INSTRUCTIONS TO WITNESS
2	Please read your deposition over carefully and
3	make any necessary corrections. You should state
4	the reason in the appropriate space on the errata
5	sheet for any corrections that are made.
6	After doing so, please sign the errata sheet
7	and date it.
8	You are signing same subject to the changes
9	you have noted on the errata sheet, which will be
10	attached to your deposition. It is imperative
11	that you return the original errata sheet to the
12	deposing attorney within thirty (30) days of
13	receipt of the deposition transcript by you. If
14	you fail to do so, the deposition transcript may
15	be deemed to be accurate and may be used in court.
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

**-** - -

ERRATA PAGE LINE CHANGE REASON: REASON: \_\_\_\_\_ REASON: REASON: \_\_\_\_\_ REASON: \_\_\_\_ REASON: REASON: REASON: \_\_\_\_\_ REASON: REASON: 

------

1	ACKNOWLEDGMENT OF DEPONENT
2	I,, do hereby
3	certify that I have read the foregoing pages, and
4	that the same is a correct transcription of the
5	answers given by me to the questions therein
6	propounded, except for the corrections or changes
7	in form or substance, if any, noted in the
8	attached Errata Sheet.
9	
10	
11	SAMUEL MURPHEY DATE
12	
13	
14	Subscribed and sworn to
15	before me this
16	day of,20
17	My commission expires:
18	
19	Notary Public
20	
21	
22	
23	
24	